

8-3-81
Vol. 46 No. 148
Pages 39431-39560

Federal Register

Monday
August 3, 1981

Highlights

- 39434 Mortgage Loans** HUD revises definition of "mortgage loan" to allow Federal National Mortgage Association to be involved in second mortgage purchases.
- 39481 Grant Programs—Recreation Services** Interior/NPS cancels schedule for awarding of funds under the Urban Park and Recreation Recovery grant program.
- 39477 Social Security** HHS/Sec'y announces 1981 contribution and benefit base under pre-1977 law.
- 39436 Handicapped** GSA extends expiration date of GSA's Accessibility Standard.
- 39515 Prisons** Justice published new preamble to Federal Standards for Prisons and Jails.
- 39558 Aviation Safety** DOT/FAA solicits information from the public on transport airplane takeoff performance requirements. (Part II of this issue)
- 39461 Railroad Safety** DOT/FRA solicits comments on safety regulatory program for small railroads.
- 39478 Outer Continental Shelf** Interior/GS issues notice of receipt of proposed development and production plans of oil and gas and sulphur operations. (3 documents)

CONTINUED INSIDE



FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The Federal Register provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The Federal Register will be furnished by mail to subscribers, free of postage, for \$75.00 per year, or \$45.00 for six months, payable in advance. The charge for individual copies is \$1.00 for each issue, or \$1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the Federal Register.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

- 39445 Public Utilities** DOE/FERC proposes changes to policy on inclusion of "construction work in progress" (CWIP) in the rate base of public utilities.
- 39440 Nuclear Power Plants** NRC proposes amendments to provide that need for power and alternative energy source issues will not be considered in operating license proceedings and environmental reports.
- 39464 Countervailing Duty Investigation** Commerce/ITA reopens countervailing duty investigation on bicycle tires and tubes from Taiwan.
- 39438 Flue-Cured Tobacco** USDA/AMS proposes to provide for the sales schedule adjustments for warehouses which fail to comply with the approved sales schedules.

Privacy Act Documents

- 39481** Interior/Sec'y.
- 39440,** President's Commission on Pension
- 39521** Policy (2 documents).
- 39521 Treasury Notes** Treasury/Sec'y invites tenders for Series L-1984.
- 39542 Sunshine Act Meetings**

Separate Parts of This Issue

- 39558 Part II, DOT/FAA**

Contents

Federal Register

Vol. 46, No. 148

Monday, August 3, 1981

Agricultural Marketing Service

PROPOSED RULES

- 39440 Milk marketing orders:
Tennessee Valley; extension of time
- 39438 Tobacco inspection:
Flue-cured; inspection and price support services

Agriculture Department

See Agricultural Marketing Service; Commodity Credit Corporation.

Antitrust Division

NOTICES

- Competitive impact statements and proposed consent judgments:
- 39512 New York County Lawyers' Association

Civil Aeronautics Board

NOTICES

- Hearings, etc.:
- 39463 Commuter Airlines, Inc., et al.; fitness determination
- 39463 Henson Aviation, Inc.; fitness determination
- 39463 Peninsula Airways, Inc.; intra-Alaska service mail rate

Civil Rights Commission

NOTICES

- Meetings; State advisory committees:
- 39463 North Carolina

Coast Guard

RULES

- Drawbridge operations:
- 39436 Washington; correction
- Regattas and marine parades; safety of life:
- 39435 Lake Washington, Wash.; 1981 Seattle Seafair APBA Gold Cup Regatta

PROPOSED RULES

- 39460 Commercial vessels operating in U.S. waters; bridge navigational visibility; advance notice; extension of time

Commerce Department

See International Trade Administration; Maritime Administration.

Commodity Credit Corporation

NOTICES

- 39542 Meetings; Sunshine Act

Commodity Futures Trading Commission

NOTICES

- 39542 Meetings; Sunshine Act

Economic Regulatory Administration

PROPOSED RULES

- Powerplant and industrial fuel use:
- 39442 Existing and new powerplants and major fuel burning installations; administrative procedures and exemption criteria applicable to owners and operators; simplification; extension of time

NOTICES

Consent orders:

- 39466 Mitchell Energy Corp.
Electric energy transmission; exports to Canada or Mexico; authorizations, permits, etc.:
- 39465 San Diego Gas & Electric Co.
Natural gas; fuel oil displacement certification applications:
- 39467 Orange & Rockland Utilities, Inc.

Energy Department

See Economic Regulatory Administration; Federal Energy Regulatory Commission.

Environmental Protection Agency

PROPOSED RULES

- Water pollution; effluent guidelines for point source categories:
- 39456 Coal mining; extension of time
- NOTICES
- Toxic and hazardous substances control:
- 39470 Premanufacture notification requirements; test marketing exemption applications; epoxy urethane copolymer

Federal Aviation Administration

RULES

- Airworthiness directives:
- 39431 General Dynamics
- 39432-39434 Transition areas (4 documents)

PROPOSED RULES

- 39558 Airworthiness review program; transport airplane takeoff performance requirements; conference
- 39444 Control zones
- 39443, 39444 Transition areas (2 documents)

NOTICES

- Environmental statements; availability, etc.:
- 39537 Snohomish County Airport, Wash.; construction of new general aviation runway
- 39535 Exemption petitions; summary and disposition
- Meetings:
- 39537 Aeronautics Radio Technical Commission

Federal Communications Commission

NOTICES

- Hearings, etc.:
- 39471 Airsignal of California, Inc.
- 39542, 39543 Meetings; Sunshine Act (5 documents)

Federal Deposit Insurance Corporation

NOTICES

- Securities, suspension of trading:
- 39472 Farmers Bank of Delaware

Federal Emergency Management Agency

PROPOSED RULES

- Flood elevation determinations:
- 39456 Alabama; correction
- 39457 Indiana; correction

- 39459 Massachusetts
 39457 Michigan; correction
 39458, North Carolina; correction (2 documents)
 39459

NOTICES

Disaster and emergency areas:

- 39472 Kansas

Federal Energy Regulatory Commission**PROPOSED RULES**

Electric utilities:

- 39445 Rate schedules filing; inclusion of construction work in progress for public utilities

NOTICES

Hearings, etc.:

- 39467 Michigan Wisconsin Pipe Line Co.
 39467 Midwestern Gas Transmission Co.
 39468 Mississippi Fuel Co.
 39468 Sugar Bowl Gas Corp.
 39469 Tennessee Gas Pipeline Co.
 39469 United Gas Pipe Line Co.
 39470 Valero Interstate Transmission Co.

Federal Home Loan Bank Board**NOTICES**

- 39544 Meetings; Sunshine Act

Federal Railroad Administration**PROPOSED RULES**

- 39461 Safety regulatory program for small railroads; general inquiry and hearings

Federal Reserve System**NOTICES**

Applications, etc.:

- 39474 Celina Bancorp, Inc.
 39473 First City Bancorporation of Texas, Inc.
 39474 Mid-South Bancorp, Inc.
 39474 Red Oak Bancshares, Inc.
 39474, State Street Boston Corp. (2 documents)
 39475
 39475 Tahoka First Bancorp, Inc.
 Bank holding companies; proposed de novo nonbank activities:
 39473 Old Stone Corp, et al.

General Services Administration**RULES**

Property management:

- 39436 Handicapped, physically; minimum accessibility standards; temporary; expiration date extended

Geological Survey**NOTICES**

Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:

- 39478 ODECO Oil & Gas Co. (2 documents)
 39478 Pennzoil Exploration & Production Co.

Health and Human Services Department*See also* National Institutes of Health. Public Health Service.**NOTICES**

Social security benefits:

- 39477 Contribution and benefit base for 1981, etc.

Housing and Urban Development Department**RULES**

- 39434 Federal National Mortgage Association, conduct of secondary market operation; "mortgage loan" definition revised; interim

Interior Department*See also* Geological Survey. Land Management Bureau; National Park Service.**NOTICES**

- 39481 Privacy Act; systems of records

International Trade Administration**NOTICES**

Countervailing duty petitions and preliminary determinations:

- 39464 Bicycle tires and tubes from Taiwan

Interstate Commerce Commission**NOTICES**

Motor carriers:

- 39485, Finance applications (2 documents)
 39497
 39487- Permanent authority applications (3 documents)
 39493
 39494 Permanent authority applications; restriction removals
 39499 Temporary authority applications

Justice Department*See also* Antitrust Division.**NOTICES**

Pollution control; consent judgments:

- 39511 Gulf Coast Waste Disposal Authority et al.
 39515 Prisons and jails; Federal standards; preamble change
 Senior Executive Service:
 39510 Performance Review Board; membership

Land Management Bureau**NOTICES**

Classification of lands:

- 39479 Arizona
 39480 California
 Meetings:
 39480 Las Vegas District Multiple Use Advisory Council
 Motor vehicles, off-road, etc.; area closures and openings:
 39481 California
 Withdrawal and reservation of lands, proposed, etc.:
 39480 Nevada

Management and Budget Office**NOTICES**

- 39517 Agency forms under review

Maritime Administration**NOTICES**

Trustees; applicants approved, disapproved, etc.:

- 39465 United California Bank; name changed to First Interstate Bank of California

National Institutes of Health**NOTICES**

Meetings:

- 39475 Allergy and Infectious Diseases, National Advisory Council

- 39476 Child Health and Human Development, National Advisory Council
39476 Population Research Committee

National Park Service**NOTICES**

Grants; availability, etc.:

- 39481 Urban park and recreation recovery program; grant round cancellation

Nuclear Regulatory Commission**PROPOSED RULES**

Environmental protection; licensing and regulatory policy and procedures:

- 39440 Operating license proceedings; need for power and alternative energy source issues

NOTICES

Applications, etc.:

- 39516 Duke Power Co.
39516 Long Island Lighting Co.
39516 Metropolitan Edison Co. et al.
39517 Pennsylvania Power & Light Co. et al.
39544 Meetings; Sunshine Act

Pension Policy, President's Commission**RULES**

- 39431 Privacy Act; implementation; CFR Part removed

NOTICES

- 39521 Privacy Act; systems of records; revocation and transfer on termination of Commission

Public Health Service**NOTICES**

Health maintenance organizations:

- 39476 Compliance reestablishment
39477 Health maintenance organizations, qualified; list
Medical technology scientific evaluations:
39477 Psoralens in combination with long-wave ultraviolet light for treatment of psoriasis

Securities and Exchange Commission**NOTICES**

Hearings, etc.:

- 39522 Den Norske Creditbank
39523 Franklin Tax-Exempt Money Fund
39529 New England Energy Inc. et al.
39529 Nordeutsche Landesbank Girozentrale
39531 Ohio Power Co. et al.
39534 Southwestern Electric Power Co.
Self-regulatory organizations; proposed rule changes:
39533 American Stock Exchange, Inc.
39525 National Securities Clearing Corp. (2 documents)
39526
39527 Options Clearing Corp.
39528 Stock Clearing Corp. of Philadelphia

Small Business Administration**NOTICES**

Applications, etc.:

- 39535 Benox, Inc.

- 39535 I.B.S.I. Capital Corp.
39535 Venture Capital Corp. of America
Disaster areas:
39535 Pennsylvania

Social Security Administration**NOTICES**

Social security benefits:

Contribution and benefit base for 1981, etc.

(Note: For a document on this subject, see entry under Health and Human Services Department.)

Tennessee Valley Authority**NOTICES**

- 39544 Meetings; Sunshine Act

Transportation Department

See Coast Guard, Federal Aviation Administration, Federal Railroad Administration.

Treasury Department**NOTICES**

Notes, Treasury:

- 39537 L-1984 series

Veterans Administration**NOTICES**

Environmental statements; availability, etc.:

- 39540 Pittsburgh, Pa.; main hospital building, clinical/education/outpatient addition
39539 San Antonio, Tex.; 120-bed nursing home care unit
39540 San Diego, Calif.; spinal cord injury unit and outpatient clinic

MEETINGS ANNOUNCED IN THIS ISSUE**CIVIL RIGHTS COMMISSION**

- 39463 North Carolina Advisory Committee, Atlanta Beach, N.C. (open), 8-27 and 8-28-81

HEALTH AND HUMAN SERVICES DEPARTMENT

National Institutes of Health—

- 39475 National Advisory Allergy and Infectious Diseases Council, Allergy and Immunology Subcommittee, Microbiology and Infectious Diseases Subcommittee, Bethesda, Md. (partially open), 9-24 and 9-25-81
39476 National Advisory Child Health and Human Development Council, Bethesda, Md. (partially open), 10-5 and 10-6-81
39476 Population Research Committee, National Institute of Child Health and Human Development, Bethesda, Md. (partially open), 11-12 and 11-13-81

INTERIOR DEPARTMENT

Land Management Bureau—

- 39480 Multiple Use Las Vegas District Advisory Council, Law Vegas, Nev. (open), 8-27-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

- 39537** Radio Technical Commission for Aeronautics (RTCA), Special Committee 147—Threat Alert and Collision Avoidance System/Active Beacon Collision Avoidance System (TCAS/BCAS), Washington, D.C. (open), 8-26 through 8-28-81

Federal Railroad Administration—

- 39461** Railroads General Safety Inquiry, Washington, D.C., 9-22-81, tentatively in St. Louis, Mo., 10-15 and 10-16-81 and San Francisco, Calif., 11-9 and 11-10-81

HEARING**TRANSPORTATION DEPARTMENT**

Federal Aviation Administration—

- 39558** International Civil Aviation Organization (ICAO) Airworthiness Committee, Montreal, Canada, 10-26 through 11-10-81 and tentatively Seattle, Wash., 11-16 through 11-20-81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

1 CFR

470..... 39431

7 CFR**Proposed Rules:**

29..... 39438

1011..... 39440

10 CFR**Proposed Rules:**

51..... 39440

500..... 39442

501..... 39442

503..... 39442

504..... 39442

505..... 39442

14 CFR

39..... 39431

71 (4 documents)..... 39432,

39433, 39434

Proposed Rules:

25..... 39558

71 (3 documents)..... 39443,

39444

18 CFR**Proposed Rules:**

2..... 39445

35..... 39445

24 CFR

81..... 39434

33 CFR

100..... 39435

117..... 39436

40 CFR**Proposed Rules:**

434..... 39456

41 CFR

Ch. 101..... 39436

44 CFR**Proposed Rules:**

67 (6 documents)..... 39456-

39459

46 CFR**Proposed Rules:**

Ch. I..... 39460

49 CFR**Proposed Rules:**

Ch. II..... 39461

Rules and Regulations

Federal Register

Vol. 46, No. 148

Monday, August 3, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

PRESIDENT'S COMMISSION ON PENSION POLICY

1 CFR Part 470

Privacy Act of 1974 Regulations

AGENCY: President's Commission on Pension Policy.

ACTION: Final rule.

SUMMARY: The President's Commission on Pension Policy has terminated by compliance with P.L. 96-14, which created the Commission.

EFFECTIVE DATE: May 24, 1981.

FOR FURTHER INFORMATION CONTACT: Dennis Condie (202) 472-9058.

SUPPLEMENTARY INFORMATION: Commission hereby removes Part 470 from 1 CFR.

Dated: July 27, 1981.

Dennis G. Condie,

Acting Administrative Officer.

[FR Doc. 81-22466 Filed 7-31-81; 8:45 am]

BILLING CODE 6820-99-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-WE-10-AD; Amdt. 39-4180]

Airworthiness Directives; General Dynamics Model 340 and 440 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection and replacement, if necessary, of horizontal stabilizer attachment fittings on General Dynamics Model 340/440 airplanes. The AD is prompted

by a report of a fractured fitting which could result in horizontal stabilizer failure.

DATES: Effective August 10, 1981. Compliance schedule—As prescribed in the body of the AD unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: General Dynamics, Attention: Mr. Larry Hayes, Manager, Product Support, Convair Division, P.O. Box 80877, San Diego, California 92138.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: A horizontal stabilizer attachment fitting was recently found completely fractured on a General Dynamics (Convair) 340/440 aircraft. The operator discovered this fracture while complying with AD 80-11-01 which requires an inspection of the attachment fitting lug area of this same part.

This new failure is attributed to fatigue cracking which had propagated from its origin at the intersection of the first rivet (outboard of the butt rib) on the forward face of the upper, forward fitting (P/N 340-8510151-9) where it is fastened to the spar web and rail. Cracking of the spar web attach angle occurred subsequently. Since this condition could result in failure to retain the horizontal stabilizer and is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires an initial and repetitive visual inspection of the horizontal stabilizer attachment fitting on General Dynamics Convair Model 340/440 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public

procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

General Dynamics: Applies to Model 340, 440 and military models eligible or to be made eligible for civil use under type certificate 6A6, and all such model airplanes converted to turbopropeller power, certificated in all categories.

Compliance required as indicated.

To prevent potential loss of the horizontal stabilizer, accomplish the following:

(a) Within 100 hours' time in service or within 90 days from the effective date of this AD, whichever occurs earlier, conduct an internal visual inspection for cracks in the horizontal stabilizer attachment fittings, upper, lower, forward and aft (P/Ns 340-8510150 and 340-8510151) and associated structure outboard of the butt rib, in accordance with the accomplishment instructions of paragraph number two (2) of General Dynamics Convair Division Alert Service Bulletin 640(340D) 55-A4 dated July 13, 1981 (hereinafter referred to as Alert SB 640(340D) 55-A4). Inspect for evidence of loose rivets in the stabilizer attachment fittings with particular attention given to those which fasten the upper forward fittings to the spar web and rail.

If cracks are found in the stabilizer attachment fittings or associated structure and/or if loose fasteners are detected in the stabilizer attachment fitting, replace with like serviceable part(s) prior to return to service.

(b) Repeat the inspection required by paragraph (a) of this AD at intervals not to exceed 600 hours' time in service from the last such inspection.

(c) Prior to issuance of a Certificate of Airworthiness for military aircraft being converted for civil certification, the applicant shall; and prior to further flight for any aircraft that has been out of service for one (1) year, the operator shall; conduct visual inspections in accordance with paragraph (a) of this AD.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections or modifications required by this AD.

(e) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to: General Dynamics, Attention: Larry Hayes, Manager, Products Support, Convair Division, P.O. Box 80877, San Diego, California 92130. These documents may also be examined at: FAA Western Region Office, Room 6W14, 15000 Aviation Boulevard, Hawthorne, California 90261 and at: FAA Headquarters, 800 Independence Avenue, SW, Washington, D.C. 20591.

An historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C. and at FAA Western Region Office.

This amendment becomes effective August 10, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to relieve an undue burden on operations of aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information, Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeal of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, California on July 24, 1981.

R. L. Devereaux,
Acting Director, FAA Western Region.

[FR Doc. 81-22428 Filed 7-31-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-AGL-51]

Alteration of Transition Area; Baudette, Minn.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Baudette, Minnesota, to accommodate a VOR Runway 30 instrument approach procedure into the Baudette International Airport, Baudette, Minnesota, which was established on the basis of a request from the local airport officials to provide that airport with an additional instrument approach procedure. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace will be lowered from 1200 feet above surface to 700 feet for a distance of approximately 2.5 nautical miles beyond that now depicted. The development of the proposed procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight requirements.

Discussion of Comments

On page 29947 of the Federal Register dated June 4, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area airspace near Baudette, Minnesota. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective October 1, 1981, as follows:

In § 71.181 (46 FR 540), the following transition area is amended to read:

Baudette, Minnesota

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Baudette International Airport, Baudette, Minnesota, (latitude 48°43'15"N, longitude 94°36'00"W); within 3 miles each side of the 107° bearing from Baudette International Airport extending from the 6.5 mile radius to 8 miles east of the airport; within 3 miles each side of the 307° bearing from Baudette International Airport extending from the 6.5 mile radius to 8.5 miles west of the airport, excluding that portion outside of the United States.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on July 21, 1981.

Kenneth C. Patterson,
Acting Director, Great Lakes Region.

[FR Doc. 81-22434 Filed 7-31-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-4]

Designation of Transition Area; Owatonna, Minn.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Owatonna, Minnesota, in order to accommodate a revised instrument approach procedure into the Owatonna Municipal Airport, Owatonna, Minnesota. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 29951 of the Federal Register dated June 4, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate controlled airspace near Owatonna, Minnesota. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective October 1, 1981, as follows:

In § 71.181 (46 FR 540), the following transition area is amended:

Owatonna, Minnesota

That airspace extending upward from 700' above the surface within a 7-mile radius of Owatonna Municipal Airport (latitude 44°07'15"N, longitude 093°15'16"W) and

within 2 miles each side of the 316° bearing from the Owatonna Municipal Airport from the 7-mile radius to 8 miles northwest of the airport excluding the portion within the Faribault, Minnesota, transition area. (Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore— (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on July 21, 1981.

Kenneth C. Patterson,
Acting Director, Great Lakes Region.

[FR Doc. 81-22427 Filed 7-31-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-1]

Designation of Transition Area; Phillips, Wis.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Phillips, Wisconsin, in order to accommodate a new instrument approach into Price County Airport, Phillips, Wisconsin, which was established on the basis of a request from the local Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 29948 of the Federal Register dated June 4, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate controlled airspace near Phillips, Wisconsin. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective October 1, 1981, as follows:

In § 71.181 (46 FR 540), the following transition area is added:

Phillips, Wisconsin

That airspace extending upward from 700' above the surface within a 6.5 mile radius of Price County NDB (latitude 45°42'11"N, longitude 90°24'45"W) and 3 miles either side of the 063° bearing of the Price County NDB from 6.5 miles to 8.5 miles.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore— (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is

so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on July 21, 1981.

Kenneth C. Patterson,

Acting Director, Great Lakes Region.

[FR Doc. 81-22433 Filed 7-31-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-5]

Designation of Transition Area; Wheaton, Minn.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Wheaton, Minnesota, in order to accommodate a new instrument approach into Wheaton Municipal Airport, Wheaton, Minnesota, which was established on the basis of a request from the local Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground, except for a small portion of airspace in South Dakota which will be lowered from 3400' to 700' AGL. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 29949 of the Federal Register dated June 4, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate controlled airspace near Wheaton, Minnesota. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective October 1, 1981, as follows:

In § 71.181 (46 FR 540), the following transition area is added:

Wheaton, Minnesota

That airspace extending upward from 700' above the surface within a 6.5-mile radius of the Wheaton Municipal Airport (latitude 45°47'00"N, longitude 096°32'45"W) at Wheaton, Minnesota, and 3 miles either side of the 152° bearing of the Wheaton NDB from 6.5 miles to 8.5 miles.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on July 21, 1981.

Kenneth C. Patterson,

Acting Director, Great Lakes Region.

[FR Doc. 81-22432 Filed 7-31-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 81

[Docket No. R-81-925]

Regulations Implementing Authority of the Secretary of Housing and Urban Development over Conduct of Secondary Market Operations of Federal National Mortgage Association; Change in Definition.

AGENCY: Office of the Secretary, HUD.

ACTION: Interim rule.

SUMMARY: This Interim Rule amends HUD regulations implementing the authority of the Secretary over the secondary market operations of FNMA by revising the definition of "mortgage loan." This revision allows FNMA, in response to increased need for creative financing, to submit for the Secretary's approval conventional loan programs involving the purchase of second mortgages.

EFFECTIVE DATE: August 3, 1981. However, an opportunity for public comment is being provided to be followed by the issuance of a Final Rule.

Comments due: October 2, 1981.

ADDRESS: Written comments should refer to the docket number and date and should be submitted to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

A copy of each communication will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: John A. Maxim, Jr., Acting Associate General Counsel for Finance and Insured Housing, Office of General Counsel, Department of Housing and Urban Development, Room 9252, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-6274 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Second mortgages have become increasingly important in the home financing market as an element of "creative financing." According to one estimate, in some states as much as a fourth to a half of home sales now depend on the availability of secondary mortgage financing. Both buyers and sellers would benefit from the development of a secondary market in second mortgages.

The number of second mortgages has increased markedly during the past decade. While precise data are largely

unavailable to document how large a factor secondary financing has become in the marketplace, informed estimates suggest at least a four-fold increase since 1970 in the number of second mortgage loans now written annually.

Recently, originators of second mortgages have expressed interest in selling second mortgages or participations in them to FNMA. FNMA's purchase of second mortgages in whole or through participation arrangements could help to establish such a secondary market. Since second mortgages usually bear a higher interest rate than first mortgages, dealing in them could prove attractive to FNMA as a method of increasing its portfolio yield on investments.

In response to this enhanced interest, the Department has determined that the FNMA Charter Act, 12 U.S.C. 1716 *et seq.*, does not prohibit FNMA from dealing in second mortgages. Section 302(b)(2) of the Charter Act authorizes FNMA, with the approval of the Secretary, to deal in conventional mortgages. However, HUD's regulations implementing the Secretary's FNMA oversight authority currently define "mortgage loan" in 24 CFR 81.2(j) as a loan secured by a mortgage or a deed of trust which creates a "first mortgage" on one of several interests in real property. This regulatory definition appears to create a restriction on FNMA's authority that is not required by the Charter Act.

The structure of the housing finance industry has changed radically in the past eighteen months. In view of recent inflation in both costs and interest rates, and given recent demand for second mortgage financing, the Secretary has determined that the regulatory prohibition on FNMA's authority to deal in second mortgages is not appropriate. The amended definition contemplated by this Interim Rule will allow FNMA to submit for approval by the Secretary, pursuant to 24 CFR 81.16(c), proposed programs involving FNMA in the purchase of second mortgages. The Secretary will review such program requests to ensure that as documented in accordance with 24 CFR 81.16(c) the proposed programs (1) will advance the purposes of the Charter Act; (2) meet the standards for FNMA's secondary market operations set forth in Section 304 of the Charter Act; and (3) meet the standards for conventional mortgages, including loan to value ratio and maximum dollar amount, set forth in Section 302(b)(2) of the Charter Act.

The Secretary has determined that it is urgent that the benefits afforded by this modification be made available as soon as possible. Publishing a notice of proposed rulemaking and giving the

public an opportunity to comment prior to the effective date of this regulation would cause a substantial delay in making the benefits available. A delay could cause unnecessary hardships to homebuyers and sellers who would benefit from the development of a secondary market in second mortgages, and to FNMA in foregoing profitable business transactions.

Therefore, the Secretary finds that notice and prior public procedure on this regulation would be contrary to the public interest. Since this regulation relieves a restriction contained in present regulations, it is necessary to accelerate the effective date as much as possible. For these same reasons, it is not appropriate to delay the effective date of these provisions for the 30-day period provided in 5 U.S.C. 553(d). Accordingly, this amendment will be published as an Interim Rule and will become effective on publication (August 3, 1981).

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 which implement Section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the address set forth above.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a significant impact on a substantial number of small entities.

Accordingly, 24 CFR Part 81 is amended by revising § 81.2(j) to read as follows:

§ 81.2 Definitions.

* * *

(j) "Mortgage loan" means a loan secured by a mortgage or a deed of trust which creates a lien on one of the following interests in real property:

- (1) An estate in fee simple;
- (2) A leasehold or subleasehold extending or renewable (automatically or at the option of the leaseholder) for a period of at least 10 years beyond the maturity of the loan; or
- (3) A leasehold or subleasehold of any duration and the remaining estate in fee simple.

* * *

(Section 309(h) of the Charter Act, 12 U.S.C. 1723a)

Issued at Washington, D.C., July 9, 1981.

Samuel R. Pierce, Jr.,
Secretary of Housing and Urban
Development.

[FR Doc. 81-22539 Filed 7-31-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 13-81-03]

1981 Seattle Seafair APBA Gold Cup Regatta; Lake Washington, WA

AGENCY: Coast Guard, DOT

ACTION: Final rule.

SUMMARY: This notice establishes a restricted zone in the area of Lake Washington south of the Mercer Island (Lacy V. Murrow) Bridge from 5 August through 9 August 1981. This action is required to permit the conducting of an approved marine event. It is intended to restrict general navigation in the area for the safety of the spectators and participants in the event.

EFFECTIVE DATE: This final rule will be effective as follows:

5 August to 8 August 1981—0600—1700
Pacific Daylight Time

9 August—0800—one hour after conclusion of last race

FOR FURTHER INFORMATION CONTACT:
LCDR R. B. MILLSON, Boating Safety
Office, (206) 442-7355.

SUPPLEMENTARY INFORMATION:

1. This regulation is published as a final rule and is needed in order to protect life and property during the event.

2. It is not considered a major rule under the terms of Executive Order 12291 since it will involve minimal costs and will have insignificant impact on recreational and commercial vessels and other marine interests in the area affected by the rule. This conclusion follows from the fact that the rule will be in effect for a limited time in a limited area of Lake Washington. Furthermore, the rule is necessary to insure the protection of life and property in the area during the event.

For the reasons stated in paragraph 2, the District Commander has determined that the rule will not have a significant impact on a substantial number of small entities.

4. In accordance with DOT Order 2100.5, economic impact from this will be minimal for the reasons stated in

paragraph 2. Consequently, an economic evaluation is not required.

Drafting Information: The principal persons involved in the drafting of this notice are LCDR MILLSON, Project Officer CCGD13 Boating Safety Office, and LT Pecos Bill Field, Project Attorney, CCGD13 Legal Office.

Discussion of Final Rule:

5. Each year SEAFAIR INC., a non-profit corporation, sponsors an unlimited hydroplane regatta on the waters of Lake Washington. This year, the organization is sponsoring the Sea-Galley, APBA Gold Cup Race.

6. The event draws several thousand spectators to the beaches and waters surrounding the Lake Washington race course. A large number of these spectators view the event from over one thousand pleasure craft which anchor around the race course. To ensure the safety of both the spectators and the participants, a special navigational regulation is required. This regulation provides the authority for Coast Guard personnel to control general navigation in the area surrounding the race course, during the event.

7. This regulation will involve minimal costs and will not have a significant impact on a substantial number of small entities in Lake Washington. This follows from the fact that the regulation affects a small area of Lake Washington and will be in effect for a minimal period of time. As a result, it is not considered a major rule under the terms of Executive Order 12991.

8. For the reasons stated in paragraph 7, the District Commander certifies that the regulation will have an insignificant economic impact on small entities.

9. For the reasons stated in paragraph 8, this regulation is considered to be nonsignificant under the guidelines DOT ORDER 2100.5 dated May 5, 1980. Consequently, a fully written economic evaluation has not been conducted.

10. By the authority contained in Title 46, U.S. Code, Section 454, as implemented by Title 33, Part 100 U.S. Code of Federal Regulations, a Special Local Regulation controlling navigation on the waters described is promulgated. By the same authority, the waters involved will be patrolled by vessels of the U.S. Coast Guard. Coast Guard Officers and/or Petty Officers will enforce the regulation and cite persons and vessels in violation.

Final Regulations: In consideration of the foregoing, the Coast Guard is amending Part 100 of Title 33, Code of Federal Regulations, by adding the following new § 100.35-1302

§ 100.35-1302 1981 Seattle Seafair APBA Gold Cup Regatta.

(a) From 5 August to 8 August 1981, this regulation will be in effect from 0800 until 1700 Pacific Daylight Time. On 9 August 1981, this regulation will be in effect from 0800 until one hour after the conclusion of the last race.

(b) The specific area restricted to general navigation by this regulation during the hours it is in effect is:

(1) The waters of Lake Washington bounded by the Mercer Island (LACEY V. MURROW) Bridge, the western shore of Lake Washington, and east/west line drawn tangent to Bailey Peninsula and along the shoreline of Mercer Island.

(c) The area described in paragraph (b) has been divided in two zones. The zones are separated by a log boom and a line from the southeast corner of the boom to the northeast tip of Bailey Peninsula. The western zone is designated Zone I, the eastern zone Zone II. Refer to chart 18447.

(d) The Coast Guard patrol of the area described in paragraph (b) will be under the direction of the Patrol Commander. He is empowered to control the movement of vessels on the race course and in the adjoining waters during the periods this regulation is in effect.

(e) Only authorized vessels may be allowed to enter Zone I during the hours this regulation is in effect. Vessels in the vicinity of Zone I shall maneuver and anchor as directed by Coast Guard Officers or Petty Officers.

(f) During the times in which this regulation is in effect, swimming, wading, or otherwise entering the water of Zone I or Zone II by any person is prohibited.

(g) Vessels proceeding in either Zone I or Zone II during the hours this regulation is in effect shall do so only at speeds which will create minimum wake. In any event, vessels may not exceed seven (07) miles per hour. This maximum speed may be reduced at the discretion of the Patrol Commander.

(h) Upon completion of the daily racing activities, all vessels leaving either Zone I or Zone II shall proceed at speeds less than seven (07) miles per hour. This maximum speed may be reduced at the discretion of the Patrol Commander.

(i) A succession of sharp, short signals by whistle or horn from vessels patrolling the area described in Paragraph (b) under the direction of the Patrol Commander will be a signal to stop. Vessels signaled shall immediately stop and comply with the orders issued by the Coast Guard personnel aboard the patrol vessel.

(Sec. 1, 35 Stat. 89, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 454, 49, U.S.C. 1655(b)(1); 33 CFR Part 100.35; 49 CFR 1.46(b))

Dated: July 24, 1981.

C. F. DeWolf,

Rear Admiral, U.S. Coast Guard Commander, 13th Coast Guard District.

[FR Doc. 81-22556 Filed 7-31-81; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD 81-046]

Drawbridge Operation Regulations; Puyallup River, Tacoma, Washington; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction.

SUMMARY: The Coast Guard is correcting an error which appeared in its drawbridge operation regulation regarding the Puyallup River in Tacoma, Washington.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch, Bridge Administration Division, G-NBR/14, Room 1420, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-0942).

SUPPLEMENTARY INFORMATION: In FR Doc. 81-19570 appearing at page 34577 in the Federal Register of Thursday, July 2, 1981, the Coast Guard inadvertently removed from § 117.785, paragraph (f)(2), that amendment should have actually removed and reserved paragraph (f)(2)(i).

Dated: July 28, 1981.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 81-22572 Filed 7-31-81; 8:45 am]

BILLING CODE 4910-14-M

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

41 CFR Ch. 101

[FPMR Temp. Reg. D-66, Supp. 1]

Accommodations for the Physically Handicapped; Temporary Regulation

AGENCY: Public Buildings Service, GSA.

ACTION: Temporary regulation.

SUMMARY: To continue the new "GSA Accessibility Standard" to accommodate the physically handicapped, this supplement extends the expiration date of FPMR Temporary Regulation D-66.

DATES: Effective date: August 3, 1981.

Expiration date: July 30, 1982.

FOR FURTHER INFORMATION CONTACT:

Kathleen Fields, Design Management
Division, General Services
Administration (202-566-1348).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; of significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following temporary regulation is listed in the appendix at the end of Subchapter D to read as follows:

Subchapter D—Public Buildings and Space

Appendix—Temporary Regulations

[FPMR Temp. Reg. D-66, Supp. 1]

Accommodations for the Physically Handicapped

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation D-66.

2. *Effective date.* This regulation is effective July 31, 1981.

3. *Expiration date.* This regulation expires on July 30, 1982.

4. *Explanation of changes.* Pending investigation of a uniform standard in conjunction with the three other agencies with standard setting authority regarding accessibility for the physically handicapped, the expiration date in paragraph 3 of FPMR Temporary Regulation D-66 is extended.

Dated: July 27, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-22571 Filed 7-31-81; 8:45 am]

BILLING CODE 6820-23-M

Proposed Rules

Federal Register

Vol. 46, No. 148

Monday, August 3, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

Allocation of Tobacco Inspection Service; Eligibility for Price Support

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: The regulations governing the availability of tobacco inspection and price support services to flue-cured tobacco on designated markets are proposed to be amended to incorporate certain recommendations of the Flue-Cured Tobacco Advisory Committee as approved by the Secretary of Agriculture. The proposed amendments provide for sales schedule adjustments for warehouses which fail to comply with the approved sales schedules.

DATE: Comments due on or before September 2, 1981.

FOR FURTHER INFORMATION CONTACT:

J. T. Bunn, Acting Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202) 447-2567.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department is proposing to amend its regulations relating to the availability of tobacco inspection and price support services with regard to flue-cured tobacco by amending Subpart G—Policy Statement and Regulations Governing Availability of Tobacco Inspection and Price Support Services to Flue-Cured Tobacco on Designated Markets (7 CFR Part 29).

The aforesaid policy statement and regulations are statements of agency policy and rules and regulations issued pursuant to the authority of The Tobacco Inspection Act of 1935 (49 Stat. 731; 7 U.S.C. 511 *et seq.*); the Agricultural Act of 1949, as amended (63 Stat. 1051; 7 U.S.C. 1421 *et seq.*); and the Commodity Credit Corporation Charter Act, as

amended (62 Stat. 1970; 15 U.S.C. 714 *et seq.*).

Because of concerns which were raised by certain segments of the flue-cured tobacco industry relating to the enforcement of the 1980 sales schedule and in the interest of providing for the orderly and equitable marketing of flue-cured tobacco throughout the region, the Department amended its regulations governing grower designation on an interim basis (45 FR 65179, October 2, 1980). It was determined that there was an apparent need to reassess the regulations in an effort to arrive at a more appropriate method of adjusting sales schedules of warehouses found to be in violation of the approved sales schedules. The Flue-Cured Tobacco Advisory Committee at an emergency meeting held in Raleigh, North Carolina, on September 5, 1980, made certain recommendations, which are discussed below, and reiterated its support of these recommendations at the May 8, 1981, meeting. This 37-member committee represents all segments and geographic areas of the flue-cured tobacco industry and serves in an advisory capacity to the Secretary by recommending opening dates, selling schedules, and operating procedures for the marketing of flue-cured tobacco.

Regulations regarding producer designated tobacco have a built-in tolerance whereby a warehouse may exceed the designated sales opportunity by no more than 2500 pounds and undesignated sales opportunity by no more than 500 pounds (7 CFR 29.9406) provided it is back into compliance with the sales schedule by the second succeeding sales day. No change in this procedure was recommended by the Committee, and the Department has determined that there is no need to adjust this tolerance. However, in consideration of the fact that violations by warehousemen selling in excess of the 2500-pound tolerance have occurred, the Committee has recommended certain methods by which the sales schedules of such violators should be adjusted in order to restore equitable and orderly marketing to producers of flue-cured tobacco. At present, the only such method available to the Department is suspension of sales to warehouses found to be in noncompliance. In reality, this method of enforcement inflicts hardships upon the producer who must wait until the

warehouse is back into compliance in order to sell such tobacco or wait a specified period of time to redesignate such tobacco for sale at another warehouse. At the September 5, 1980, meeting, the Committee recommended that producers be allowed to immediately redesignate such tobacco whenever their designated warehouse loses the equivalent of one day's sales opportunity or more because such warehouse has been found in violation of the sales schedule. Information regarding this aspect of the grower designation program may be found in operating procedures issued by the Department's Agricultural Stabilization and Conservation Service.

The Committee recommended that advance notification of suspension of an entire sale or sales to warehousemen found to be in noncompliance with sales schedules should be provided. The Department determined that this recommendation has merit and that advance notice is reasonable. Therefore, the operating procedures and regulations are proposed to reflect this determination.

The Committee further recommended that in lieu of withdrawal of inspection and price support services, any warehouse overselling producer designated poundage in excess of 2500-pound tolerance should more appropriately have its sales schedule adjusted in the following manner:

- (a) First violation—repay larger of three times excess or 2500 pounds.
- (b) Second violation—repay larger of five times excess or 5000 pounds.
- (c) Third violation—lose 50 percent of next day's sale.

The Department, after giving careful consideration to the Committee's recommendations and the effectiveness and the effectiveness of the 1980 amended regulations, has determined that such recommendations, with appropriate modifications and conforming changes, are reasonable and necessary in the interest of providing for the orderly marketing of flue-cured tobacco during the 1981 and succeeding marketing seasons. The specific modifications and conforming changes which are determined to be necessary and appropriate are proposed to be as follows:

- (a) With respect to designated producer tobacco, the proposed amended regulations will provide for the

first and second violations, sales adjustments will be made on producer sales opportunity and further that for the third violation, sales adjustments will be made on producer sales opportunity on the basis of the larger of five times the excess (over 2500 pounds) or 50 percent of the sale.

(b) With respect to undersigned producer tobacco, the proposed amended regulations will provide that sales adjustments for excess sales will be made on the following basis:

(i) Less than 500 pounds—repay within 3 sales days, as is currently provided for in 7 CFR 29.9406.

(ii) More than 500 pounds—for the first violation, repay the larger of three times the excess (over 500 pounds) or 1000 pounds from producer sales opportunity; for the second and subsequent violations, repay the larger of five times the excess (over 500) or 5000 pounds from producer sales opportunity.

(c) With respect to designated producer tobacco which is not eligible for sale at the warehouse on the day of sale, the proposed amended regulations will provide that: for the first violation, repay the larger of 2500 pounds or three times the excess, for the second and succeeding violations, repay the larger of 5000 pounds or five times the excess.

(d) With respect to resales, the operational policies and producers will reflect that such resale adjustments are applicable to both auction-purchased and nonauction-purchased resales and further that for the first violation, the resale adjustment will be the larger of two times the excess or 50 percent of the auction or nonauction-purchased resale opportunity.

This proposed rule has been reviewed under the Secretary's Memorandum 1512-1 issued June 11, 1981, implementing Executive Order 12291 and has been determined to be a non-major rule. Initial review of the regulations contained in 7 CFR, Part 29, for need, currency, clarity, and effectiveness will be made within the next 5 years.

Additionally, in conformance with the provisions of Public Law 96-354, Regulatory Flexibility Act, consideration has been given to the potential economic impact upon small business. Tobacco warehousemen and producers fall within the confines of "small business," as defined in the Regulatory Flexibility Act. It has been determined that there will be no economic impact upon small entities.

J. T. Bunn, Acting Director, Tobacco Division, Agricultural Marketing Service, has determined that an emergency situation exists which

warrants less than a 60-day comment period on this proposal. It is further determined that a 15-day comment period is reasonable and proper because: (1) the flue-cured tobacco markets are scheduled to open in mid-July and all segments of the industry should be informed before that time of any rule changes affecting the marketing process, (2) these regulations were in effect from September 1980 to the end of the 1980 marketing season, so all interested parties are aware of and have operated under these regulations during the later part of the 1980 marketing season, and (3) the Flue-Cured Tobacco Advisory Committee has recommended that the regulations that were in effect from September 1980 to the end of the 1980 marketing season should be implemented for the 1980 and succeeding marketing seasons.

PART 29 TOBACCO INSPECTION

In view of the foregoing, §§ 29.9406 and 29.9407 are proposed to be revised respectively, to provide as follows:

§ 29.9406 Failure of warehouse to comply with opening and selling schedule.

(a) Each warehouse shall comply with opening and selling schedules issued by the Secretary for designated and undesignated flue-cured tobacco.

(b) For each of any two consecutive sales days during the marketing season a warehouse may exceed its scheduled sales opportunity for designated or undesignated tobacco, but the pounds sold during the second or third sales day must be adjusted so the warehouse will be back in compliance at the end of the third sales day or no tobacco inspection or price support services will be made available on the next succeeding sales day. Any such adjustment which is within 100 pounds of the required reduction shall be considered as in compliance with this section. During the closeout period, if a warehouse sells tobacco in excess of that allowed by the sales schedule on either of the last two sales days of the marketing season, then such excess sales shall be deducted from its scheduled sales opportunity on the first, or more, sales days of the next marketing season.

(c) The amount of the poundage adjustment specified in paragraph (b) for a warehouse selling in excess of the sales schedule shall be as follows:

(1) If the excess is 2500 pounds or less of designated producer tobacco, the adjustment in producer sales opportunity shall be one pound for each pound of excess; sales in excess of 2500 pounds shall be a violation of the sales schedule and the adjustment for the first violation shall be 2500 pounds plus the

larger of 3 pounds for each pound in excess of 2500 pounds or 2500 pounds; for the second violation, the adjustment shall be 2500 pounds plus the larger of 5 pounds for each pound in excess of 2500 pounds or 5000 pounds; and for the third and subsequent violations, the adjustment shall be 2500 pounds plus the larger of 5 pounds for each pound in excess of 2500 pounds or 50 percent of a scheduled day's sales opportunity.

(2) If the excess is 500 pounds or less of undesignated producer tobacco, the adjustment in producer sales opportunity is one pound for each pound of excess; if the excess is larger than 500 pounds, the adjustment is 500 pounds plus the larger of 3 pounds for each pound in excess 500 pounds or 1000 pounds.

(3) If the excess is designated producer tobacco that is not eligible for sale at the warehouse on the day of the sale, the adjustment in producer sales opportunity for the first violation is the larger of 3 pounds for each pound in excess or 2500 pounds, and for the second and succeeding violations, the larger of 5 pounds for each pound in excess or 5000 pounds.

(d) If, on any sales day, a warehouse does not sell the full quantity of designated or undesignated tobacco authorized to be sold at such warehouse, the designated or undesignated sales opportunity at such warehouse on the next immediate sales day shall automatically be increased by the unsold quantity except that no such increase in sales opportunity shall exceed 2500 pounds for designated tobacco or 250 pounds for undesignated tobacco.

§ 29.9407 Records and reports.

(a) Each warehouse, on a designated market, shall provide the Secretary with any information that is requested on forms provided said warehouse by the Secretary.

(b) Each warehouse shall keep records for a period of two years from the opening of the marketing season in which the tobacco is sold, and make available to the Secretary such records as are necessary for the Secretary to verify the information required by paragraph (a) of this section.

(c) Failure to comply with the requirements of this section including but not limited to failure to provide information which is accurate, shall result in suspension of tobacco inspection services for a minimum of the equivalent of one sales day or until such time as the warehouse comes into compliance.

Dated: July 28, 1981.

William T. Manley,
Deputy Administrator, Marketing Program
Operations.

[FR Doc. 81-22536 Filed 7-31-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1011

[Docket No. AO-251-A22]

Milk in the Tennessee Valley Marketing Area; Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions.

SUMMARY: This action extends the time for filing exceptions to a recommended decision concerning proposed amendments to the Tennessee Valley milk order. Kraft, Inc., requested the additional time.

DATE: Exceptions are now due on or before August 28, 1981.

ADDRESS: Exceptions (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-5443.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:
Tennessee Valley Order

Notice of Hearing: Issued February 11, 1980; published February 14, 1980 (45 FR 9942).

Correction: Published February 21, 1980 (45 FR 11503).

Notice of Rescheduled Hearing: Issued February 28, 1980; published March 5, 1980 (45 FR 14218).

Recommended Decision: Issued July 1, 1981; published July 8, 1981 (46 FR 35264).

Tennessee Valley Order (Reopening) and 28 Other Orders

Notice of Hearing: Issued July 10, 1980; published July 15, 1980 (45 FR 47432).

Supplemental Notice of Hearing: Issued July 21, 1980; published July 25, 1980 (45 FR 49584).

Recommended Decision: Issued February 11, 1981; published February 18, 1981 (46 FR 12709).

Extension of Time: Issued March 9, 1981; published March 12, 1981 (46 FR 16270).

Extension of Time: Issued March 19, 1981; published March 25, 1981 (46 FR 18558).

Final Decision: Issued July 8, 1981; published July 14, 1981 (46 FR 36151).

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tennessee Valley marketing area which was issued on July 1, 1981 (46 FR 35264), is hereby extended to August 28, 1981.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on July 28, 1981.

William T. Manley,
Deputy Administrator, Marketing Program
Operations.

[FR Doc. 81-22463 Filed 7-31-81; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

Need for Power and Alternative Energy Issues in Operating License Proceedings

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend its regulations in 10 CFR Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," to provide that, for NEPA purposes, need for power and alternative energy source issues will not be considered in operating license proceedings for nuclear power plants and need not be addressed by operating license applicants in environmental reports submitted to the NRC at the operating license stage. The NRC proposes to take this action to avoid unnecessary litigation of issues.

DATES: Comment period expires October 2, 1981. Comments received after the expiration date will be considered if it is practical to do so, but assurance of consideration cannot be given except as

to comments received on or before that date.

ADDRESSES: Interested persons are invited to submit written comments and suggestions on the proposal and/or the supporting value/impact analysis to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Single copies of the value/impact analysis may be obtained on request from Darrel A. Nash, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: (301) 492-9882. Copies of the value/impact analysis and comments received by the Commission may be examined and copied for a fee in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Darrel A. Nash, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: (301) 492-9882.

SUPPLEMENTARY INFORMATION: In accordance with the Commission's NEPA responsibilities, the need for the power to be generated by a proposed nuclear power plant and alternative energy sources for the generation of the power, including no additional generating capacity at all, are considered and resolved in the construction permit proceeding associated with the proposed facility. The construction permit proceeding is the appropriate forum in the Commission's two step licensing process for resolution of these issues. Prior to the start of construction there has been little environmental disruption at the proposed site and only a relatively small capital investment has been made by the license applicant. Hence, real alternatives to the construction and operation of the proposed facility exist, including no additional generating capacity at all if no "need" exists or generation of the needed electricity by some non-nuclear energy source. In issuing this proposed rule, the Commission in no way diminishes the importance that attaches to having the most accurate possible assessment of need for power and alternative energy sources during the construction permit review.¹

¹ It should be noted that as a matter of policy the Commission endorses placing substantial reliance on State assessments of need for power, energy conservation, and alternative energy source analyses to fulfill NRC's NEPA responsibilities at the CP stage and has requested its staff to develop procedures to solicit input from the states and the Federal Energy Regulatory Commission for use in

The situation is significantly different at the operating license stage. This stage of the licensing process is reached only after a finding at the construction permit stage that there existed a need for the power and that, on balance, no superior alternative energy sources existed. At the time of the operating license decision, construction related environmental impacts have already occurred at the site and the construction costs have been incurred by the licensee. The facility is essentially completely constructed and ready to operate when the Commission's Atomic Safety and Licensing Board renders its decision on the operating license application.

Operation of a nuclear power plant entails some environmental cost which should be justified, under NEPA, by some benefit from plant operation. In all cases to date, and in all foreseeable future cases, there will be some benefit in terms of either meeting increased energy needs or replacing older less economical generating capacity. Experience shows that completed plants are in fact used to their maximum availability for either purpose. Such facilities are not abandoned in favor of some other means of generating electricity. For purposes of this proposed rule the Commission has assumed, conservatively, that the plant is not needed to satisfy increased energy needs, but rather is justified, if at all, as a substitute for other generating capacity.

NEPA also requires the Commission to consider alternatives to the proposed action. This is not to say that need for power and alternative energy source issues previously considered in the construction permit proceeding need be reconsidered at the operating license stage. On the contrary, NEPA does not require the Commission to duplicate at the operating license stage its review of alternatives absent new information or new developments. *Calvert Cliffs' Coordinating Committee, Inc. v. A.E.C.*, 449 F.2d 1109, 1128 (D.C. Cir. 1971). *Union of Concerned Scientists v. A.E.C.*, 499 F.2d 1069, 1079 (D.C. Cir. 1974). In reaching its decision on the issuance of a construction permit, the Commission will have found that, on balance, no superior alternative energy source exists, and that the environmental consequences of the construction and operation of the proposed plant, are small relative to the anticipated benefits. There has never been a finding in a Commission operating license

proceeding that a viable environmentally superior alternative to operation of the nuclear facility exists. Therefore, past experience suggests that rarely will an alternative energy source, including use of an existing fossil-fired unit as substitute for the nuclear plant, be found environmentally superior to the nuclear plant.

Unless the nuclear plant has environmental disadvantages in comparison to reasonable alternatives, differences in financial cost do not enter into the NEPA process. But if there are available alternatives which would result in lesser adverse environmental effects, then a cost-benefit analysis would be performed in reaching a licensing decision. Such a decision would, of course, include the possibility of not allowing the operation of the nuclear plant. See *Consumers Power Company* (Midland Plant, Units 1 and 2), ALAB-458, 7 NRC 155, 161-163 (1978).³ Hence it is only after an environmentally superior alternative has been identified that economic considerations become relevant. In the specific context of alternative energy source issues in operating license proceedings, the NEPA issue is whether an environmentally superior alternative exists. If one does not exist, then economic considerations are not relevant. If an environmentally superior alternative does exist, then economic considerations are considered in the cost-benefit balance and may offset environmental disadvantages.

Reports available to the Commission show that the economic costs of operating completed nuclear power plants have been below the operating costs of other available methods of baseload fossil generation.⁴ See *Steam-Electric Plant Construction Cost & Annual Production Expenses—1978*, December 1980, DOE/EIA-0033 (78); *Draft Environmental Statement Relating to the Operation of Grand Gulf Nuclear Station Units 1 and 2*, NUREG-0777, May 1981, pp. 2-1 to 3-1; *Cost & Quality of Fuels for Electric Utility Plants—December 1980*, DOE/EIA-0075 (80/12). Therefore, given the apparent economic advantages of the operation of existing nuclear plants, the Commission believes that even an alternative which is shown to be marginally environmentally superior in comparison to operation of a nuclear facility is unlikely to tip the

NEPA cost-benefit balance against issuance of the operating license.⁴

Based on all of the above, the Commission believes that case-specific need for power and alternative energy source evaluations need not be included in the environmental evaluation for a particular nuclear power plant operating license. An exception would be made to this rule if, in a particular case, special circumstances are shown in accordance with 10 CFR 2.758 of the Commission's regulations. Such special circumstances could exist if, for example, it could be shown that nuclear plant operations would entail unexpected and significant adverse environmental impacts or that an environmentally and economically superior alternative existed.

Accordingly, the Commission proposes to amend its regulations in 10 CFR Part 51 to provide that need for power and alternative energy source issues will not be considered in operating license proceedings for nuclear power plants and need not be addressed by operating license applicants in environmental reports submitted to the NRC at the operating license stage. An exception to or waiver of the rule, if adopted, would be permitted in particular cases if special circumstances are shown in accordance with 10 CFR 2.758 of the Commission's regulations, "Consideration of Commission rules and regulations in adjudicatory proceedings." The rule, if adopted in final form, could be applied to ongoing licensing proceedings then pending and to issues or contentions therein. Consequently the Commission requests comments on the likely effects of applying these rules to pending adjudications.

Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the NRC has made a preliminary determination that this proposed rule does not impose new

⁴However, at least one analysis has concluded that it is both more environmentally benign and cheaper for society not to operate a completed nuclear power plant. This analysis asserts that a mixture of conservation and alternative sources would usually cost less than the operating costs of a nuclear unit, and that therefore "a nation that has just built such a plant would probably save money by writing it off and never operating it." *Energy/War: Breaking the Nuclear Link*; Amory and Hunter Lovins, *Friends of the Earth*, 1980, pp. 48-49 and footnotes 109-111. The Lovinses plus Leonard Ross make the same point in "Nuclear Power and Nuclear Bombs," *Foreign Affairs* 58-1137-77 (Summer, 1980).

The Commission has not accepted this analysis, but commenters on the proposed rule may wish to address it. If the Lovins-Ross view is correct it would represent a fundamental challenge to the basis of the proposed rule.

the environmental impact statement and for testimony before licensing boards in construction permit proceedings.

³That case involved a proceeding to determine whether the construction permits of a licensee should be suspended in light of a judicial remand. However, the NEPA principle involved is equally applicable to operating license proceedings.

⁴Hydroelectric plants, which would rarely, if ever, be shut down in lieu of a new nuclear plant, can be operated at a lower cost than nuclear plants.

reporting or recordkeeping requirements. This proposed rule has nevertheless been submitted to the Office of Management and Budget for its consideration of any potential or new reporting or recordkeeping requirements, pursuant to Pub. L. 96-511.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this proposed rule will not, if adopted, have a significant economic impact on a substantial number of small entities. The proposed rule eliminates certain reporting requirements for owners of nuclear power plants licensed pursuant to Sections 103 and 104b of the Atomic Energy Act, as amended, 42 U.S.C. 2133, 2134b. Owners of nuclear power plants are not within the definition of small business found in Section 3 of the Small Business Act, 15 U.S.C. 632, or within the Small Business Size Standards set forth in 13 CFR Part 121.

Pursuant to the Atomic Energy Act of 1954, as amended, the National Environmental Policy Act, of 1969, as amended, the Energy Reorganization Act of 1974, as amended, and Section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 51 is contemplated:

1. The authority citation is revised to read as follows:

Authority: Sec. 161h, i, o, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201 (h), (i), and (o)); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1242; Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841)

2. Section 51.21 is revised to read as follows:

§ 51.21 Applicant's Environmental Report—Operating License Stage.

Each applicant for a license to operate a production or utilization facility covered by § 51.5(a) shall submit with its application the number of copies, as specified in § 51.40, of a separate document, to be entitled "Applicant's Environmental Report—Operating License Stage," which discusses the same matters described in § 51.20 but only to the extent that they differ from those discussed or reflect new information in addition to that discussed in the final environmental impact statement prepared by the Commission in connection with the construction permit. The "Applicant's Environmental Report—Operating License Stage" may incorporate by reference any information contained in the Applicant's Environmental Report or final environmental impact statement

previously prepared in connection with the construction permit. With respect to the operation of nuclear reactors, the applicant, unless otherwise required by the Commission, shall submit the "Applicant's Environmental Report—Operating License Stage" only in connection with the first licensing action that would authorize full power operation of the facility. No discussion of need for power or alternative energy sources for the proposed plant is required in the report.

3. Section 51.53 is amended by adding a new paragraph (b) to read as follows:

§ 51.53 Hearings—operating licenses.

(b) Presiding officers may not admit contentions proffered by any party concerning need for power or alternative energy sources for the proposed plant in operating license hearings.

Dated at Washington, D.C. this 29th day of July, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-22535 Filed 7-31-81; 9:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 500, 501, 503, 504, and 505

[Docket No. ERA-R-81-06]

Powerplant and Industrial Fuel Use Act of 1978; Proposed Revision of Final Rules; Extension of Time for Public Comment

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Extension of time for public comment on proposed revisions.

SUMMARY: On June 9, 1981, the Department of Energy (DOE) issued a notice of proposed rulemaking (NPR) to revise the final rules implementing the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) to simplify the administrative procedures and exemption criteria applicable to owners or operators of new and existing powerplants and major fuel burning installations which are subject to the prohibitions of the Act (46 FR 31216 [June 12, 1981]). A public hearing on the proposed revisions was held on July 14, 1981. In addition, the NPR provided for a public comment period, which expired on July 27, 1981.

On July 22, 1981 and July 23, 1981, respectively, Tosco Corporation (Tosco) and Edison Electric Institute (EEI) filed motions for extension of the foregoing public comment period. Tosco's motion was based upon temporary technical personnel constraints, and requested a 30-day extension of time to comment on additions to the definition of "alternate fuel" set forth in 10 CFR 500.2. EEI's motion, which was based upon the complexity of issues addressed in the NPR, the diverse interests of EEI, and the potential impact of pending budgetary legislative action upon the regulatory program under FUA, requested an extension of time to August 17, 1981 to comment on rules governing existing powerplants set forth in 10 CFR Part 504, and certain "generic issues" addressed in the NPR, also relating to existing facilities. The Economic Regulatory Administration (ERA) believes that grant of an extension until August 17, 1981 would be in the public interest. Therefore, for good cause shown, ERA hereby grants the motions of Tosco and EEI to extend the public comment period on those sections of the NPR relating to existing facilities and to the definition of "alternate fuel," and will consider any public comments on these matters filed on or before August 17, 1981.

DATE: Comments should be filed with ERA on or before August 17, 1981, 4:30 p.m.

ADDRESSES: All written comments should be addressed to Public Hearing Management, Docket No. ERA-R-81-06, Department of Energy, Room B-210, 2000 M Street, N.W., Washington, D.C. 20461, and identified on the outside envelope and on each document with the designation: "Powerplant and Industrial Fuel Use Act, Docket No. ERA-R-81-06." Fifteen copies should be submitted. All comments received will be available for public inspection in the ERA Office of Public Information, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, Department of Energy, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-4055

Donald E. Kreps (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, Room 7002, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3217

Robert L. Davies (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, Room 3002, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3649

Henry Garson (Office of General Counsel), Department of Energy, Room 6B-178, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-2967

SUPPLEMENTARY INFORMATION: Any information or data considered to be confidential must be submitted in compliance with the DOE freedom of information regulations (10 CFR Part 1004). ERA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

ERA requests that, to the extent possible, any person submitting comments identify each issue commented upon by the appropriate section number of the regulations and submit comments applicable to each such section on a separate page.

Issued in Washington, D.C., July 27, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81-22453 Filed 7-31-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-AGL-32]

Proposed Designation of Transition Area; Grand Ledge, Mich.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal Action is to designate controlled airspace near Grand Ledge, Michigan, to accommodate a new instrument approach into Abrams Municipal Airport, Grand Ledge, Michigan, established on the basis of a request from the Abrams Municipal Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before August 27, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-AGL-32, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. Aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-AGL-32, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 27, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must

identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part) to establish a 700 foot controlled airspace transition area near Grand Ledge, Michigan. Subpart G of Part 71 was published in the Federal Register on January 2, 1981 (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Grand Ledge, Michigan

That airspace extending upward from 700 feet above the surface within a five mile radius of Abrams Municipal Airport, Grand Ledge, MI (latitude 42°46'26"N., longitude 84°43'56"W.), and excluding the portions which overlie the Charlotte, Michigan, and Lansing, Michigan, 700 foot transition areas. (Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on July 21, 1981.

Kenneth C. Patterson,
Acting Director, Great Lakes Region.

[FR Doc. 81-22421 Filed 7-31-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-14]

Proposed Alteration of Transition Area; Hillsboro, Wis.**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to revoke the controlled airspace near Hillsboro, Wisconsin, that was designated for the RNAV Runway 23 instrument approach procedure for Kickapoo Airport. That instrument approach procedure has been cancelled and the effect of this action is to return the associated transition area airspace to a non-controlled status.

DATE: Comments must be received on or before August 27, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-AGL-14, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be raised from 700 feet above the surface to 1200 feet above the surface. In addition, aeronautical maps and charts will reflect the change in the designated airspace.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-AGL-14, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 27, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Hillsboro, Wisconsin. Subpart G of Part 71 was republished in the Federal Register on January 2, 1981 (46 FR 621).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (45 FR 445) the following transition area is amended to read:

Hillsboro, Wisconsin

[Revoked]

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on July 21, 1981.

Kenneth C. Patterson,

Acting Director, Great Lakes Region.

[FR Doc. 81-22430 Filed 7-31-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-30]

Proposed Alteration of Control Zone; Champaign, Ill.**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to alter the existing control zone serving the University of Illinois-Willard Airport, Champaign, Illinois, by reducing the size of the zone and, in so doing, converting airspace from a controlled to a non-controlled status. The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before August 27, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-AGL-30, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The alteration to the control zone is a redefinition of the control zone boundary necessitated by changes in operational procedures, which do not require all of the previously designated controlled airspace. This action will return several portions of airspace back to use in a non-controlled status where the floor of controlled airspace will be raised from the surface up to 700 feet above the surface. In addition, aeronautical maps and charts will reflect the defined areas, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications

should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-AGL-30, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 27, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the control zone near Champaign, Illinois. Subpart F was published in the Federal Register on January 2, 1981 (46 FR 455).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.171 (46 FR 455), the following control zone is amended to read:

Champaign, Illinois

Within a 5 mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W.) within 2.4 miles each side of the Champaign VORTAC 234° radial extending from the 5 mile radius zone to 6.5 miles southwest of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory

Policies and Procedures (44 FR 11034, February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on July 21, 1981.

Kenneth C. Patterson,
Acting Director, Great Lakes Region.

[FR Doc. 81-22429 Filed 7-31-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2 and 35

[Docket No. RM81-38]

Inclusion of Construction Work in Progress for Public Utilities

Issued: July 27, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to amend its regulations regarding the inclusion of construction work in progress (CWIP) in the rate base of public utilities to relieve severe financial difficulty. The proposed rule is intended to clarify the Commission's policy on CWIP and to avoid protracted litigation on this issue before the Commission.

DATES: Written comments must be received on or before September 23, 1981. Reply comments must be received on or before October 23, 1981.

ADDRESSES: Copies of the comments may be obtained from the Division of Public Information, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8055. Comments must be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Ronald L. Rattey, Office of Regulatory Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, Room 3000F, (202) 357-8186 or

Robert F. Shapiro, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, Room 8000E, (202) 357-8455 or

Christine P. Benagh, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, Room 8104B, (202) 357-8606

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) ¹ proposes to amend its regulations concerning construction work in progress (CWIP) for public utilities by replacing the current § 2.16 (inclusion of construction work in progress in rate base of electric utilities) with a new Subpart D in Part 35 (Filing of Rate Schedules). A proposed rule is published in this notice. In addition, in Section III of this preamble we discuss and request comments on alternative changes to our existing rule relating to CWIP.

The proposed rule published in this notice does not change the substance of the provisions of § 2.16 under which CWIP is included in rate base for pollution control and fuel conversion facilities nor the requirement that a utility discontinue capitalization of allowance for funds used during construction (AFUDC) on amounts of CWIP included in rate base. It focuses instead on when CWIP should be allowed in rate base to relieve the severe financial difficulty of a utility. The proposed rule would establish more precise criteria for determining whether a utility qualifies for the inclusion of CWIP in rate base under such circumstances and for assessing the amount of CWIP that a qualifying utility may include in rate base. It would establish specific grounds upon which the Commission may limit the amount of CWIP that would otherwise be included in rate base under these criteria. Further, it would permit a utility on a claim of severe financial difficulty to collect CWIP in rate base subject to refund. The Commission wishes to make it clear that, although we have proposed here a mechanical rule triggered by low bond ratings and the relationship of CWIP outside of the rate base to the rate base, we intend to explore in this proceeding alternatives of broader scope than financial distress as a basis for allowing CWIP in rate base, as well as alternative formulations based on financial distress.

¹The term "Commission" refers to the Federal Power Commission with respect to actions taken prior to October 1, 1977, and to the Federal Energy Regulatory Commission with respect to any actions on or after that date.

II. Background

One of the costs of utility plant which a utility recovers from ratepayers is the debt interest and a reasonable equity return on the capital investment used to finance construction. There are two mutually exclusive ratemaking methodologies by which these carrying charges on construction capital may be recovered in rates.

One method capitalizes the carrying charges incurred during the construction period as AFUDC.² AFUDC is recorded, in part, as current income to the utility (and as an offset to interest expenses), but no cash payments are made by rate payers during construction. Payments from ratepayers to cover the carrying charges begin when the completed plant goes into operation. The cost of the completed plant at that time includes all carrying charges recorded during the construction period, as well as the direct costs of land, labor and construction materials.³ The entire cost of the plant (including AFUDC) is added to rate base, and it earns a rate of return on investment and is depreciated over the life of that plant.

The second method for recovering carrying charges incurred during the construction period is to include the uncompleted plant in rate base. The utility recovers its carrying charges (or return) currently from ratepayers, rather than adding them to the cost of construction. The return on CWIP is recorded as income on a current basis (like AFUDC), and actual cash payment are made by the ratepayers currently (unlike AFUDC).

Each method assures the utility of an opportunity to recover from its ratepayers the carrying charges associated with construction investment. The difference between the two concerns the timing of that recovery. However, there are regulatory policy considerations that warrant the selection of one method over the other. AFUDC capitalization of carrying charges provides no immediate "cash flow" to the utility, whereas the inclusion of CWIP in rate base produces immediate revenues. But the CWIP inclusion method produces a mismatch of the benefits of the construction program, which inure to future ratepayers, and the costs of financing

that program, which are borne by present customers. The courts generally have deferred to the administrative agency's choice of methods.⁴

The Commission has consistently followed a policy that generally prohibits the inclusion of CWIP in rate base, electing the AFUDC method instead. The plant must be "used and useful," i.e., actually providing service, before it may be included in rate base. This policy recognizes few exceptions, as judicially noted in 1979 by the U.S. Court of Appeals for the District of Columbia Circuit:

[T]he precept endures that an item may be included in rate base only when it is "used and useful" in providing service. In other words, current rate payers should bear only legitimate costs of providing service to them. The FPC early adopted the "used and useful" standard and has not departed from it without careful consideration of the wisdom of requiring current rate payers to bear costs of providing future service.⁵

Three years earlier the Commission has adopted three narrow exceptions to the use of the AFUDC methodology for electric utilities in Order No. 555.⁶ That order promulgated a new regulation, § 2.16, which permits CWIP associated with electric utility construction programs of pollution control facilities⁷ and fuel conversion facilities⁸ to be allowed in the rate base. Section 216 further provides that the Commission will consider including other types of CWIP in rate base in cases where the utility is in "severe financial difficulty" which cannot be otherwise alleviated without materially increasing the cost of electricity to consumers.⁹ However, only if this demonstration of financial distress is "clearly and convincingly" made will the Commission include some amount of CWIP in rate base.¹⁰

Implementation of the Commission's current rule on CWIP for financial distress has produced protracted and complex litigation. There have been five applications for special CWIP relief

under this standard. One resulted in a finding of financial distress by an administrative law judge,¹¹ one was settled before hearings commenced,¹² two have been decided by the Commission against CWIP relief (affirming the administrative law judges),¹³ and the remaining case was partially settled after CWIP relief was denied by a judge.¹⁴ Three of these proceedings have lasted for three years or more.

In the proposed rule we adhere to the general concept of "severe financial difficulty" as a test for inclusion of CWIP in rate base. However, the specific formulation given to that concept in § 2.16 has not proved to be satisfactory. The financial distress test has been rarely used since its inception. Ironically, the financial condition of the electric utility industry appears to have deteriorated during the same period. In an Informal Conference on the Financial Condition of the Electric Power Industry, held on March 6 of this year, the Commission, sitting with five members of various state regulatory agencies, heard voluminous testimony regarding the financial deterioration of the electric utility industry.¹⁵ Testimony of the worsening of the financial condition of the industry suggests that § 2.16 in its present form may not be an effective mechanism for the relief of seriously troubled utilities whose financial difficulties are related to large construction programs.

It is the purpose of this rulemaking to scrutinize the issues related to CWIP to relieve financial distress and, after exploring the range of alternative standards which could be applied to the problem, to adopt the rule which best (1) eliminates or reduces extensive and frequently unnecessary litigation on the issue, and (2) clarifies the Commission's policy on this aspect of CWIP relief so

⁴ *Goodman v. Public Service Commission*, 497 F.2d 661, 666 (D.C. Cir. 1974).

⁵ *Tennessee Gas Pipeline Co. v. FERC*, 606 F.2d 1094, 1109-10 (D.C. Cir. 1979) (Footnote omitted).

⁶ *Order Adopting in Part Construction Work in Progress Rulemaking and Terminating Proceedings*, Order No. 555 (Nov. 8, 1976), 41 FR 51392 (1976) *reh. den.*, Order No. 555-A (Jan. 6, 1977) 42 FR 3022 (1977), *aff'd sub nom. without opinion*, *Oglethorpe Electric Membership Corp. v. FERC*, 574 F.2d 63 (D.C. Cir. 1978).

⁷ The Commission deemed it appropriate for existing ratepayers to contribute revenues for pollution control equipment to be used by future ratepayers because of "the current generation's commitment to the control of pollution."

⁸ Allowance of CWIP associated with fuel conversion facilities recognizes that such construction is necessitated because of the current generation's "consumption of existing stocks of natural resources."

⁹ Order No. 555, *supra* note 6, at 13.

¹⁰ *Public Service Company of New Hampshire*, Docket Nos. EL78-15 and ER78-339. In a decision of January 28, 1979, the administrative law judge permitted a utility to include in its rate base CWIP associated with the construction of two nuclear units. However, this case was ultimately settled by the parties before the initial decision reached the Commission for review.

¹¹ *Montaup Power Company*, Docket No. EL80-8.

¹² *El Paso Electric Company*, Opinion No. 85, Docket Nos. ER77-488 and ER78-320 (Phase I) (May 19, 1980), *reh. den.* Order 85-A (July 17, 1980), appealed to the Fifth Circuit, *El Paso Electric Co. v. FERC*, No. 80-1763; Louisiana Power and Light Company, Opinion No. 104, Docket No. ER77-533 (Phase II) (December 16, 1980).

¹³ *Public Service Company of New Mexico*, Docket Nos. ER78-337 and ER78-338. All but one customer settled with the utility. The initial decision is awaiting Commission review.

¹⁴ See generally *Transcript of Informal Public Conference on Financial Condition of Electric Power Industry*, Docket No. EL81-7-000 (March 6, 1981) [hereinafter cited as *Financial Conference*].

² Commission Order Nos. 561 and 561-A govern the manner in which carrying charges are computed and added to the costs of plant under the AFUDC method (issued Feb. 2, 1977, and Aug. 1, 1977 respectively), 42 FR 9161 (1977) and 42 FR 39661 (1977) respectively.

³ See Uniform Systems of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act (Class A and Class B), Electric Plant Instructions, 18 CFR Part 101 (1980).

that utilities may anticipate Commission response in CWIP cases.¹⁵

This preamble will explore, first, the rationale of the proposed rule, a mechanical test triggered by low bond ratings. Then in Section IV of this preamble we discuss the major alternatives to the proposed rule. The first set of alternatives would also retain the concept of financial distress but would look to criteria other than bond ratings to determine whether a utility qualifies under this concept. The second set of alternatives would be directed towards the possible effect of including CWIP in rate base on a utility's cost of capital. The final set of alternatives would consider regulatory responses to CWIP which are not directly related to the financial condition of a particular utility. In that section we also request comments suggesting other possible justifications for including CWIP in rate base.

We have not outlined in greater detail the proposed alternative rules due to time constraints. The failure to include more detailed rules for such alternatives should not be viewed as a sign of diminished importance for such alternatives.

III. Rationale for the Proposed Rule

A. The Severe Financial Distress Test—Need for Specificity

The Commission, in Order No. 555, found that it may be desirable to include some CWIP in rate base if a utility could make "a clear showing of severe financial difficulty which cannot be otherwise alleviated without materially increasing the cost of electricity to consumers."¹⁶ The general rationale given by the Commission for granting some CWIP in rate base for cases of severe financial difficulty was that, under some circumstances, it would be the least costly alternative to ensure a utility's financial integrity and to enable it to attract the capital necessary to meet its capital needs. The Commission stated that

[s]uch a circumstance might arise, for example, where the exigencies of the utility's construction program are such as to reduce its interest coverage to such an extent that additional capital cannot be raised at reasonable rates and that an amount of earnings sufficient to attract capital would require a rate of return on equity substantially in excess of the cost of equity

¹⁵ In 1980, the Comptroller General recommended that the Commission undertake a rulemaking to clarify the standards for CWIP in rate base to relieve financial distress. Comptroller General, *Construction Work in Progress Issue Needs Improved Regulatory Response for Utilities and Consumers* (1980) [hereinafter *Comp. Gen. Report*].

¹⁶ Order No. 555, *supra* note 6, at 13.

capital to otherwise similar electric utilities.¹⁷

In other words, utilities may have substantial difficulty in raising capital in an orderly fashion and on reasonable terms to complete large-scale construction programs. Utilities may at times face institutional constraints such as bond indenture coverage provisions (which, for the most part, ignore non-cash AFUDC earnings) so that they are actually precluded from obtaining additional debt funds. And, while utilities may still have access to equity capital markets, this access may be on such unfavorable terms as to force investors to incur capital losses with each new stock issue.

The electric utility industry has ongoing and increasing demands for additional capital. Growth in electricity demand has decreased from the pre-1973 oil embargo level of about 7 percent to about 3 percent in recent years. But even if this trend toward lower growth continues, new capital is needed to replace existing capacity as it approaches obsolescence. In addition, the need to reduce the nation's dependence on foreign oil, as well as the high cost of oil in general, have created demands upon utilities to convert existing oil-fired plants to coal. Finally, utilities have been increasingly required to construct more pollution as well as safety facilities on new and existing plants.¹⁸

Capital requirements of investor owned electric utilities are projected by Edison Electric Institute to be about \$155 billion between 1981-1985. This compares with construction expenditures of about \$113 billion during the previous 5-year period ending 1980.¹⁹

Some perspective on the increasing size of utilities' construction programs can be obtained by examining the relationship between CWIP and net electric plant in service. Whereas CWIP constituted 17 percent of net electric plant in service in 1970 and grew to 26

percent in 1975, CWIP was 40 percent of net electric plant in service in 1979.²⁰ These statistics are for the total of all Class A & B electric utilities. On a company-by-company basis there is substantial variation.

In addition, there has been a continued deterioration in the electric utility industry's ability to attract the necessary capital to meet its increasing needs. The decline in utilities' access to bond markets is evidenced by the lowering of their bond ratings. Whereas in 1970 a clear majority of electric utilities were rated AA or higher by Standard and Poor's, an overwhelming majority of the same firms are rated no higher than A today.²¹ A study by the EEI showed that there were 83 downgradings by Moody's over the last ten years compared with only 16 upgradings.²² In 1980 alone, 28 electric utilities' bond ratings by Standard and Poor's were lowered while only 3 were raised.²³ Moody's downgraded 14 utilities in 1980 and upgraded only one.²⁴

There is also evidence of continued deterioration in the ability of utilities to obtain new common equity capital on reasonable terms. While the average market-to-book ratio of the 100 largest electric utilities rose from .84 in 1975 to slightly in excess of one in 1976 and 1977, it dropped back to .73 in 1980.²⁵ Given the investor-owned utility industry's heavy dependence on common equity markets (averaging between \$3-4 billion annually between 1975 and 1980)²⁶, existing investors have been forced to bear the effects of continual dilution of their investment.

The worsening of investor confidence in utilities is also evidenced by surveys of investors on their views of the industry. In 1976, 84 percent believed things would improve, 13 percent believed they would stabilize, and 3 percent thought they would deteriorate. From the most recent survey, these percentages are 6 percent improve, 51 percent stabilize and 43 percent deteriorate.²⁷

Not all the blame for the utility industry's financial condition can be placed on its capital requirements. A

¹⁷ *Id.*

¹⁸ Under current FERC policies, some CWIP arising from these projected capital needs would be included in rate base. The aforementioned Report of the Comptroller General estimated the extent of FERC's CWIP allowance for the period 1977 through June 1979:

As of December 31, 1978, larger electric utilities had about \$5.1 billion of environmental CWIP, which constituted 12 percent of total CWIP. During test years ending from 1977 through June 1979, FERC allowed pollution control and fuel conversion CWIP in the portion of the rate base under FERC's jurisdiction in 38 rate cases. On an annual basis, the average amount permitted [by the FERC for all utilities] in the rate base was only \$69.9 million. *Comp. Gen. Rep.*, *supra* note 15, at 25.

¹⁹ Comments and Exhibits of Edison Electric Institute (EEI), *Financial Conference*, *supra* note 14.

²⁰ Department of Energy, Energy Information Agency, *Statistics of Privately Owned Electric Utilities in the United States—1979: Classes A and B Companies*, Table 21 at 28 (1980).

²¹ Ann Faber for Standard and Poor's, *Financial Conference*, *supra* note 14, at 41.

²² Comments and Exhibits of EEI, *Financial Conference*, *supra* note 14.

²³ *Financial Conference*, *supra* note 14, at 41.

²⁴ *Id.* at 16.

²⁵ Comments and Exhibits of EEI, *Financial Conference*, *supra* note 14.

²⁶ *Id.*

²⁷ *Id.* at 26.

generally ailing economy and high inflation and interest rates have also contributed to its difficulties. However, the electric utility industry has less flexibility than most industries in its construction programs. To meet its obligation to provide service with an adequate level of reliability, the industry must be able to raise capital even under the current difficult conditions. Any significant doubt regarding its ability to do so must be a cause of serious concern.

Given these factors, the small number of filings made under Order No. 555's severe financial distress test indicates that this test should be re-examined. The standards may be too vague and too stringently interpreted and applied. Support for this view can be found in the conclusions of a recent report by the Comptroller General.

Commission regulations which define financial hardship are too vague and general; the Commission should establish a generic rulemaking proceeding to define more specific guidelines or criteria concerning financial hardship.²⁸

The proposed rule represents an attempt to respond to such concerns by basing relief on criteria that are more precise and also, potentially at least, less stringent. In addition, in this notice we also invite comments as to whether the Commission's policy on CWIP should be changed in a more fundamental way and directed towards some goal other than the relief of financial distress.

B. The Proposal

The Commission begins with the presumption that CWIP should not be included in rate base, although commentators may wish to address the question whether this presumption is correct. As discussed earlier, this presumption is embodied in the long-established general rule that the capital cost of equipment can be included in rate base only if the equipment is "used and useful" in providing service to the customers for whom the rates are being set. More generally, it reflects a policy on the allocation of costs over time that favors an allocation that matches burdens with benefits. This policy is best served by excluding CWIP from the rate base until the associated plant begins to provide service to ratepayers.

The exclusion of CWIP from rate base also most closely duplicates the operation of an unregulated competitive market. In such a market, the price at which the company can sell the production of its existing facilities is unaffected by the fact that new facilities are under construction. The costs of

construction may be included in current costs for accounting purposes and may be financed from current revenues; but in an unregulated market accounting entries do not determine prices, and revenues can be used for reinvestment only by reducing the current return to investors.

The presumption is not irrebuttable, however. It requires only that the inclusion of CWIP in rate base be supported by reasons that are sufficient to counterbalance the Commission's concerns about interperiod equity. In Order No. 555, for example, the Commission found that national goals justified the inclusion of CWIP for investments in pollution control and fuel conversion facilities.

The Commission in the present rulemaking does not intend to revise its existing rules relating to CWIP for these kinds of investments. Instead, this proposal concerns two other possible rationales for including CWIP in rate base. The first, which is reflected in the proposed rule published in this notice, is that inclusion of CWIP may enable a utility to raise capital on reasonable terms where it could not otherwise do so.²⁹ The second is that inclusion of CWIP may reduce a company's cost of capital. This second possible rationale would logically lead to a rule significantly different from the one published in this notice. As discussed more fully below,³⁰ we seek comments with respect to both the validity and sufficiency of this second rationale and the kind of rule that it would imply. In addition, the two rationales discussed here may not exhaust the possible justifications for including CWIP in rate base, and we request comments on other possible grounds for granting CWIP relief.

The two rationales discussed here are interrelated. Both assume that, under some circumstances at least, investors do not regard AFUDC as the equivalent of cash income. A company whose earnings include a substantial amount of AFUDC therefore may find it more difficult to raise capital and may also be required to pay a higher price for the capital that it does raise than a company with equal nominal earnings that include a smaller AFUDC component.

²⁸ Inclusion of CWIP in rate base may affect a utility's ability to finance construction in two ways. First, it may make it easier for the utility to raise capital. Second, by increasing current cash flow, it may enable the utility to avoid resorting to the financial markets. The second effect might be considered to offer an independent rationale for including CWIP in rate base. However, both effects contribute to the same goal: enabling the utility to finance its ongoing activities.

²⁹ See Section IV B.

The rationales are also interrelated in another way. The first rationale is concerned not only with cases in which a utility cannot raise capital at all but, also, like the second rationale, with cases in which it cannot do so on reasonable terms. The difference between the two rationales, therefore, is one of degree. The first rationale is concerned with cases in which a utility can raise capital only on terms that would be considered unusually onerous. The second rationale is concerned as well with the possibility that a utility can raise capital on commonly accepted terms but could raise it more cheaply if CWIP were included in rate base.

The reasons for drawing this distinction are pragmatic. A rule granting relief only where a utility otherwise could not raise capital on reasonable terms would create a more limited exception to the Commission's general policy on interperiod cost allocation. In addition, it appears to us that it may be possible to base the narrower rule on an informed judgment concerning the effect of CWIP on capital markets. A rule based on the general relationship between CWIP and cost of capital, on the other hand, may have to be supported by a more rigorous empirical study of that relationship.

Under the rationale that the inclusion of CWIP may enable a utility to raise capital on reasonable terms where it could not otherwise do so, the Commission is proposing to specify clear guidelines for implementing its severe financial difficulty test. In the proposed rule that test is restated as a two-pronged test. The first prong would evaluate whether a utility is likely to have difficulty raising capital on reasonable terms. The second prong would evaluate whether this difficulty can reasonably be attributed to the utility's construction program. Having passed these two tests, a utility would be considered presumptively eligible for rate base treatment of at least some of its CWIP. Under the proposed rule, the Commission would, however, retain the power to limit or deny rate base treatment on certain specified grounds.

1. *Indicia of the ability to raise capital (the first prong).* The first question is what variable or variables should be used to determine whether a utility may have difficulty in raising capital on reasonable terms. As proposed, the rule relies solely on the most recent bond ratings given a utility by either of the major rating agencies—Standard and Poor's and Moody's. There are alternatives, such as interest coverage, internal cash flow, and market-to-book ratios. It is our tentative judgment,

²⁹ *Comp. Gen. Rep.*, supra note 15 at iii-iv.

reflecting in part the limited time available, however, that bond ratings would serve adequately for the purpose at hand, while use of other indicia may present practical difficulties. An interest coverage or internal cash flow test may offer increased complexity and uncertainty but with unknown improvement in results. The additional precision of such a test may be of some value, however, in determining the level of CWIP to be allowed in rate base. Market-to-book ratios, while indicative of the terms upon which common equity can be obtained, are subject to substantial variability over time as the stock market adjusts to general economic conditions. As discussed more fully below, however, we invite comments directed at criteria other than bond ratings to determine if a utility is experiencing difficulty in raising capital on reasonable terms.

Assuming that bond ratings are the appropriate measure, the next question is, what should be the threshold bond rating at which a utility would probably have substantial difficulty in raising capital. Under the proposed rule, a utility would qualify if its first mortgage bond rating at the date of filing were Baa or lower under Moody's rating system or BBB or lower under Standard and Poor's rating system.

There are two reasons for choosing this threshold level. First, there have been times when bonds with such ratings could not, in fact, readily be sold (for example, during 1974 and 1975). Second, if a utility's bond rating dropped below this level, the utility would be likely to encounter substantial difficulties in selling its bonds at almost any time.²¹ Since the relief that the Commission could grant under the proposed rule would take some time to have effect, it seems prudent not to wait until the utility's bond rating drops below the BBB/Baa level before granting relief. Conversely, to the extent that the relief is directed at the difficulty a utility may have in raising capital, there does not appear to be any justification for permitting a utility to qualify if its bonds are not rated at the lowest institutional investment grade. The Commission is unaware of any period in the recent past in which A-rated bonds could not be

sold, and, in general, it is unlikely that bonds would be quickly down-rated two levels, from A to below BBB/Baa.

2. *CWIP as a source of financial difficulty (the second prong).* If a utility can show it is in financial distress, the next logical question concerns the basis for a finding that CWIP is a significant source of the utility's financial difficulties. The proposed rule bases that determination upon the percentage of the utility's jurisdictional CWIP that is excluded from rate base to the utility's jurisdictional rate base (which would include any CWIP allowed for pollution control and fuel conversion facilities).

The rule focuses on the jurisdictional portion of the utility. An alternative method would be to focus on the entire utility, stating this threshold test in terms of the relationship between total electric utility CWIP excluded from the rate base and total electric utility rate base. The reason for rejecting this latter alternative is that, in most cases, it makes the availability of relief dependent upon the policies followed by state regulatory agencies. If the state that regulates most of the utility's revenues is very generous in putting CWIP in the rate base, the Commission would be able to avoid putting any CWIP in the rate base. Conversely, if the state agency disallows CWIP in the rate base, the Commission would probably be required to put all of the jurisdictional CWIP in the rate base. The proposed rule is intended to set out a policy which would produce reasonable results if it were followed by both the Commission and the state agencies; it is not intended to compensate for the regulatory policies of state agencies.

The next question concerns the threshold level for the second prong of the test: When should the exclusion of CWIP from rate base be deemed to be a significant cause of the utility's difficulties in attracting capital? The threshold set in the proposed rule (40 percent of jurisdictional CWIP to jurisdictional rate base) is based on the industry average ratio of CWIP to net plant in service for 1979, the latest available industry figure.²² The reasoning behind this choice is that a company's difficulties should not be considered to be due to CWIP if the ratio is not at least as high as the industry average.

There are problems with using this industry average. There is the technical problem that the average is based on total electric CWIP of class A and B electric utilities. It does not take account of the fact that some CWIP included in

the industry statistics is already included in rate base; and for purposes of the rule proposed here, the 40 percent figure is thus too high. There is also the more fundamental problem that a threshold based on a current industry average links the rule to the state of the industry at one point in time. The industry average has increased from 17 percent in 1970 to 40 percent in 1979. The link to the industry average thus suggests that we might have formulated a more generous rule in 1970, when the industry was relatively healthy, than in 1981, when the industry is experiencing serious financial problems.

Thus, while the proposed rule uses a 40 percent ratio, the Commission is skeptical of the basis for that number and requests that comments be directed toward providing a more rational basis on both theoretical and empirical grounds.

3. *Amount of CWIP to be allowed. a. The basic determination.* Once a determination is made that a utility qualifies for an allowance of some CWIP in rate base, the next issue is the extent of CWIP relief.

The proposed rule would permit the amount of CWIP in rate base necessary to bring the utility's ratio of CWIP not included in rate base to rate base to the so-called threshold level indicated by the second prong of the severe financial difficulty test. Rate base here includes any CWIP that the Commission permits to be included in rate base, whether for pollution control or fuel conversion or for financial distress.

For example, suppose that a 100 percent jurisdictional utility has the necessary bond rating (that is, it passes the first prong of the test). It also has net electric plant in service of \$110 million and has pollution control CWIP of \$10 million that is already included in rate base. Its total rate base is therefore \$120 million. Also assume that other CWIP, not yet included in rate base, is assumed to average \$76 million over the test period. Since the latter figure is more than 40 percent of rate base, the company also meets the second prong of the test. The company would then be presumptively entitled to include in its rate base an additional amount of CWIP sufficient to reduce the amount of CWIP outside of the rate base to 40 percent of rate base. The additional amount to be included would be \$20 million, giving the company a rate base of \$140 million and leaving \$56 million (40 percent of \$140 million) outside of the rate base.

The approach taken in the proposed rule follows from the severe financial difficulty premise: CWIP is allowed in rate base only to the extent necessary to

²¹According to one report on the utility industry's financial problems:

A credit rating of below Baa/BBB would effectively prohibit many institutional investors—commercial banks, bank-administered trusts, pension funds, insurance companies—from purchasing utility debt. In fact, many institutional investors will purchase no debt below A. These investors historically have comprised 75 percent or more of the market for utility debt.

Exhibit of Booz-Allen & Hamilton, Inc., *Financial Conference*, *supra* note 14, at I-9.

²²See *supra* footnotes 19 and 20 and accompanying text.

eliminate it as a major source of financial difficulty.

There are alternatives to this approach. One alternative would be to allow the utility to include in rate base only some percentage of the amount that would be necessary to bring the ratio of CWIP outside of rate base to rate base down to the threshold, perhaps thereby providing some incentive to the utility to minimize CWIP. On the other hand, if the utility passed the qualifying tests, it might be allowed to include enough CWIP in rate base to bring the ratio below the threshold; this alternative might be viewed as creating a "safety zone" below the threshold, so that the utility would be less likely to need additional relief in the near future.

b. *Commission adjustments.* The proposed rule contains a provision to permit the Commission to reduce the amount of CWIP that might be added to rate base on a case-by-case basis. This provision contains four matters the Commission may consider in this regard: (1) substantial short-run effects on electric rates to consumers; (2) price-squeeze effects; (3) considerations of managerial negligence or wrongdoing; and (4) considerations as to the reasonableness of the construction program.

With respect to short-run impact on consumers, the Commission proposes to retain the right to limit the amount of CWIP allowed in rate base when the amounts allowed under the rule would raise rates so substantially as to cause undue hardships upon ratepayers. It is also proposed that a preliminary determination be made by the Commission prior to permitting rates to go into effect subject to refund.

As to price squeeze considerations, the Commission believes that it is not prevented from instituting a CWIP in rate base policy although the possibility exists that the use of CWIP in rate base may be a contributing factor to undue price discrimination in a particular case. Many factors can contribute to a Commission finding of price squeeze and undue discrimination, including differences between federal and state commission policies. These factors will be explored by the commission in each case in which the price squeeze issue is raised. The Commission does intend to retain the flexibility to deny CWIP in rate base or modify other cost of service methods as possible remedies after a finding of undue discrimination. Moreover, the Commission will not, in this rule, limit the denial of CWIP in rate base to those circumstances in which the state commission does not allow CWIP in rate base and this conflict is a

contributing factor to the undue discrimination.

In addition, the Commission reserves the right to disallow the inclusion of CWIP in rate base if it can be demonstrated that the utility's financial woes are attributable to management negligence or wrongdoing, or if it can be shown that the utility's construction program is not needed to meet future demand. While we expect that these showings will be exceedingly difficult to make, we believe they are relevant areas of inquiry in rate proceedings in which CWIP in rate base is an issue.

4. *Duration of inclusion of CWIP in rate base.* The decision by the Commission to permit inclusion of an amount of CWIP in rate base on account of severe financial difficulty shall only be effective for the period that the rates examined in the proceeding remain effective. In the next rate proceeding the rate applicant will not be able to include any CWIP in rate base if its bond rating has improved or if the new ratio of jurisdictional CWIP to jurisdictional rate base does not exceed the threshold.

5. *Allowance of CWIP subject to refund.* The proposed rule incorporates a change from Order No. 555 to permit CWIP in rate base in rate filings subject to refund. Under the proposed rule, the necessary showing of severe financial difficulty is straightforward and based on easily verifiable data. Further, since the object is to aid financially distressed utilities, it is counterproductive to withhold relief until the end of what may be a lengthy rate case.

This change from Order No. 555 is also based on the Commission's view that there is no persuasive reason to require inconsistent effective date treatment for inclusion of CWIP for pollution control and fuel conversion facilities and for inclusion of CWIP on a severe financial difficulty basis.

The ratepayers will be entitled to refunds of all amounts collected that are attributable to inclusion of CWIP in rate base in the event that the Commission ultimately determines that such inclusion is unjust, unreasonable, unduly discriminatory or preferential. This procedure will, in general, afford ratepayers adequate protection for the interim period. Furthermore, the Commission proposes to retain the flexibility to reduce the amount of CWIP allowed under the rule for rates put into effect subject to refund if the resulting rate increase would be substantial.

IV. Alternatives to the Proposed Rule

A. *Alternative Criteria for Determining Severe Financial Difficulty*

The proposed rule uses bond ratings as a criterion for determining whether a utility is in severe financial difficulty. Other, possibly more refined, measures of severe financial difficulty are also candidates for inclusion in the final rule. Two such measures are "quality of earnings" and interest coverage ratios.

By "quality of earnings" we mean the relationship of a utility's AFUDC to its net income. It is commonly said that the quality of a utility's earnings is inversely related to the ratio of AFUDC to net income and that a utility will find it easier (or less costly) to raise capital if its earnings are of a higher quality.

By "interest coverage ratio" we mean the ratio of a utility's pre-tax income—frequently, excluding AFUDC—to its long-term interest obligations. The interest coverage ratio is one indication of the likelihood that the utility will be able to meet its interest obligations, and trust indentures frequently forbid a utility to sell additional bonds if the coverage ratio would fall below a certain level, usually 2.0.

The use of such measures to determine eligibility for the inclusion of CWIP in rate base presumes that they are reasonable indications of a utility's ability to raise capital on reasonable terms and that they are likely to be affected by the inclusion of CWIP in rate base. Although the second relationship apparently is clear, we seek comments regarding both of these presumed relationships. In addition, two other issues are raised by the possible use of these measures.

First, a rule that defines eligibility for inclusion of CWIP in terms of these concepts would be substantially different from the proposed rule. The problem is to formulate a rule that can deal reasonably with the range of specific company situations to which it is likely to be applied without making the rule either excessively vague or unmanageably complex. We therefore seek comments regarding the formulation of a rule based on quality of earnings, interest coverage ratios, or other possible measures of a utility's financial condition.

Second, we also seek comments as to whether a rule based on such measures will result in additional complexity, and, if so, offers advantages that justify this additional complexity. Further, we seek comments as to whether such a rule should be used in addition to or in place of one based on bond ratings.

B. CWIP and the Cost of Capital

The proposed rule discussed in section III necessarily assumes that inclusion of CWIP in rate base may reduce the cost of capital to companies that are experiencing financial difficulty; otherwise, except for those cases in which increased cash flow was itself directly responsive to a utility's financial difficulties, relief would be limited to those companies that found it literally impossible to raise capital. There is also some support for the view that inclusion of CWIP may reduce the cost of capital for companies in general. This view implies that the goal of interperiod equity may conflict with the goal of minimizing the rates to all consumers as a group, including both present and future consumers. We seek comments to assist us in determining whether such a conflict does exist, and if so, what implications it may have for inclusion of CWIP in rate base.

To provide a framework for these comments, we will briefly set out what appears to us to be the analytical structure of the inquiry. This structure consists of four issues. The first concerns the existence and form of the relationship between inclusion of CWIP in rate base and the cost of capital. The second concerns the proper measure of the effect of a CWIP policy on rates for both present and future consumers where the effect is not evenly distributed over time. The third concerns the evaluation of the trade-off, if any, between minimizing aggregate cost to all consumers and achieving interperiod equity. The last issue concerns the form of the rule implied by this analysis.

1. *The relationship between CWIP and cost of capital.* We are aware of some studies dealing with the relationship between inclusion of CWIP in rate base and cost of capital.³³ It does not now appear to us, however, that these studies provide an adequate basis for a rule premised on that relationship. We therefore seek comments that provide us with, or refer us to,

³³ Arthur Anderson and Co., *Study of the Treatment of Construction Work in Progress and Tax-Timing Differences for Rate-Making Purposes in the Electric Utility Industry* (1977); Comtois, *Construction Work in Progress in the Rate Base: A Benefit to the Consumer* 19, Pub. Util. Fort. (May 8, 1980); Fitzpatrick and Stitzel, *Capitalization of AFUDC: The Impact on Earnings Quality* 18 Pub. Util. Fort. (Jan. 19, 1978); Lerner and Breen, *The Changing Significance of AFUDC for Public Utilities* 17 Pub. Util. Fort. (Jan. 1, 1981); Trout, *The Regulatory Factor and Electric Utility Common Stock Investment Values* 28 Pub. Util. Fort. (Nov. 11, 1979); Trout, *A Rationale for Preferring CWIP in the Rate Base* 22 Pub. Util. Fort. (May 10, 1979).

additional studies as well as comments on the studies here cited.

We wish to emphasize that on this issue anecdotal evidence is unlikely to be useful. Precision may be an illusory goal. It is, however, possible to set out explicitly the assumptions and methods on which conclusions are based. Unless this is done, it is difficult to place any reliance on the conclusions themselves.

2. *The measurement of aggregate effect on consumer rates.* It is conceivable that, in some cases, the inclusion of CWIP in rate base will reduce the cost of capital so much that even current rates will be lower. But we would expect such cases to be rare. In general, even if the inclusion of CWIP in rate base does reduce the cost of capital, the immediate effect probably will be to increase current rates. Its inclusion will also, of course, decrease future rates. To determine the aggregate impact on present and future consumers, it is necessary to take account of both the immediate increase and the future decrease, and, for this purpose, a discount rate is required. We therefore seek comments on the appropriate discount rate for measuring the aggregate impact on utility customers of including CWIP.

One possibility is to use the utility's cost of capital as the discount rate for consumers.³⁴ If this alternative is selected, inclusion of CWIP in rate base will reduce the aggregate cost to present and future consumers if, and only if, its inclusion reduces the company's cost of capital. It is not clear, however, that this alternative is the proper one. The persons ultimately affected by our policy on CWIP will be the retail customers to whom the rate increases and reductions are passed through. It appears unrealistic to suppose that these customers in general have the same opportunities for borrowing and investment as the utilities that are subject to our jurisdiction. Moreover, to the extent that the electricity is consumed for noncommercial purposes, the future rate reductions resulting from inclusion of CWIP in rate base in effect constitute tax-free income while the cost of capital to the utility is substantially affected by taxation.

It is unclear to us at this time whether the difference, if any, between the utility's cost of capital and the appropriate discount rate for consumers can be quantified. Even if it cannot, however, we seek comments as to

³⁴ In this connection, it should be emphasized that the cost of capital to the utility might be different under a policy of CWIP in rate base.

whether use of the utility's cost of capital for this purpose is likely to bias our analysis.

3. *The tradeoff between aggregate consumer cost and interperiod equity.* If we conclude that aggregate consumer cost, however measured, would be reduced by the inclusion of CWIP in rate base, we then confront the conflict between goals that was set out earlier: minimization of aggregate cost will make the interperiod distribution of costs somewhat less fair, but unconstrained pursuit of the goal of interperiod equity will increase aggregate cost to all consumers, both present and future. Unless one of these conflicting goals is to be regarded as totally subordinate to the other, we must strike a balance based on our concept of the public interest for which we are responsible. It is unlikely that any analytical technique or simple rule can determine that balance. We do, however, seek comments that may assist us in approaching and defining this issue.

4. *The form of the rule.* The question of the form of the rule is reached if we conclude that the inclusion of CWIP in rate base will reduce aggregate cost to consumers, and that this reduction in aggregate cost justifies some sacrifice of interperiod equity. If we do reach this point in our analysis, we must then determine how our policy conclusions should be embodied in the rule relating to allow CWIP in rate base. Such a rule might resemble the one published here, but with the omission of any requirement based on bond ratings. The rule might, in other words, substitute a "single-pronged" test for the double-pronged test used in the proposed rule. Thus, companies would presumptively qualify for relief if CWIP outside of rate base exceeded a certain percentage of the rate base, and this threshold percentage would also determine the measure of relief. The threshold percentage could be based on the relationship between inclusion of CWIP and cost of capital; it is possible, for example, that the exclusion of small amounts of CWIP from rate base does not significantly affect the cost of capital. Alternatively, the threshold might reflect the tradeoff between the goals of minimizing aggregate cost and interperiod equity.

As the preceding remarks suggest, the form of the rule will be determined in part by the nature of the analysis justifying it, and persons commenting on the form of such a rule should indicate clearly the analytical basis for their comments.

C. Other Alternatives

The proposed rule is the Commission's preliminary attempt to provide a practicable framework to handle the CWIP issue as it relates to its inclusion in rate base on the basis of financial difficulty. We invite comments, not only on the proposed rule, but also on the following alternative proposals that the Commission believes also have merit. We have decided not to propose these alternatives due to difficulty in drafting in the limited time available to us. However, the fact that these alternatives are not embodied in a proposed rule does not signify that we will not give serious consideration to them.

This is not intended to be an exhaustive list. Commenters are invited to submit other proposals and to support them with empirical data or with other substantial evidence.

1. *Maintain status quo* For the reasons previously discussed, we believe that the policy statement embodied in Order No. 555, should be modified to provide specific guidelines to rate applicants and to avoid protracted litigation.

2. *Allowing a straight percentage of CWIP in rate base regardless of a utility's financial condition.* This alternative has the advantage of eliminating controversy over the appropriate standard for determining financial difficulty. However, it would require the Commission to depart significantly from its present policy by permitting CWIP in the rate base of utilities regardless of their financial health.

3. *Allow CWIP associated with particular plants to go into rate base a specified period of time prior to their becoming "used and useful."* This is a procedure followed by several state commissions. Presumably, this approach would permit inclusion of CWIP at a time when it is reasonably certain that a plant will be completed. Again, this option would eliminate the need for a financial difficulty test and would benefit healthy as well as ailing utilities.

4. *Allow CWIP in rate base to the extent that a utility's predominant regulatory authority permits it.* The principal advantage to this approach is to lessen the possibility that price squeeze will result from inclusion of CWIP in rate base. It also recognizes the predominant role of the state commission in determining the financial condition of the utility. However, this alternative may not enable this Commission to assist utilities in severe financial difficulty, may provide healthy utilities with aid they do not need, and would subordinate this Commission's

rate-setting responsibilities to those of the state commission concerned.

5. *Require contributions in aid of construction in lieu of CWIP.* Viewed in another light, inclusion of CWIP in rate base can be seen as a customer loan to a utility in financial difficulty. If this customer contribution is not considered taxable income to utilities by the Internal Revenue Service, required contributions in aid of construction could be the least costly way for the customers to provide aid to ailing utilities. However, the Commission believes it is unlikely that the IRS would find such contributions to be non-taxable income.

V. Summary of the Proposed Rule

The current Commission rule on CWIP (§ 2.16(b)) provides that the Commission will grant CWIP in rate base for certain types of pollution control and fuel conversion facilities and to alleviate "severe financial difficulty." CWIP for financial difficulty under the present rule is permitted only if a utility has shown severe financial difficulty.

The current CWIP rule is codified in § 2.16 of the Commission's regulations. This section is in Part 2, which is intended to contain the Commission's statements of policy. Since the CWIP provisions are substantive regulations pertaining to the filing of rate schedules by electric utilities, the provisions more properly belong in Part 35 of the Commission regulations under the Federal Power Act. Accordingly, the proposed rule would remove § 2.16 and add a new Subpart D to Part 35, containing the CWIP provisions.

Substantively, the proposal would make no changes to the current rules regarding the inclusion of pollution control and fuel conversion facilities.³⁸ As discussed below, the proposal would refine the criteria under which the Commission may grant CWIP inclusion in rate base to relieve severe financial difficulty.

The proposed rule contains four sections: definitions, general provisions for the inclusion of CWIP, the special rules for severe financial difficulty, and a refund rule.

The defined terms in proposed § 35.60 include: "Construction work in

³⁸ The proposed changes regarding pollution control and fuel conversion facilities are editorial and are limited to moving portions of the current § 2.16(a) to place the definition of pollution control and fuel conversion facilities in a definitional paragraph with other definitions and making minor revisions for grammatical accuracy and stylistic consistency.

progress,"³⁹ "jurisdictional CWIP,"⁴⁰ "rate base,"⁴¹ "jurisdictional rate base,"⁴² "pollution control facility" and "fuel conversion facility conversion facility."⁴³

The general CWIP provisions are contained in proposed § 35.61. Paragraph (a) of that section declares that a utility seeking the inclusion of CWIP in rate base for any purpose must do so by filing a rate schedule. Paragraph (b) provides that the Commission will permit the inclusion of CWIP for pollution control and fuel conversion facilities. Paragraph (c) states that the Commission may allow the inclusion of CWIP to relieve the severe financial difficulty of a utility. Finally, paragraph (d) sets forth the accounting requirements that a utility receiving rate base treatment of CWIP must discontinue the capitalization of AFUDC and must establish procedures to ensure that wholesale customers will not be charged for the corresponding AFUDC capitalized as a result of different accounting or ratemaking treatment by another regulatory agency.⁴⁴

The proposed special rules for the inclusion of CWIP to relieve severe financial difficulty establish a two-pronged test for a utility to qualify for this relief (§ 35.62(a)). First, the utility must demonstrate that it suffers from serious financial problems. The proposed rule requires a showing that its current first mortgage bond rating is low, i.e., a rating of Baa or lower under Moody's or BBB or lower under Standard & Poor's, (§ 35.62(a)(1)).

If the utility can show the requisite bond rating, it must then demonstrate that that its jurisdictional CWIP excluded from rate base is at least 40 percent of its jurisdictional rate base (§ 35.62(a)(2)). If the utility meets this standard, it would generally be

³⁹ "CWIP" is defined by reference to the Uniform Systems of Accounts for Public Utilities and Licenses Subject to Accounts 107 (construction work in progress) and 120.1 (nuclear fuel in process of refinement, conversion, enrichment and fabrication); both accounts are eligible for AFUDC treatment.

⁴⁰ "Jurisdictional CWIP" is a formula for deriving that portion of a utility's construction work in progress which can be allocated to its jurisdictional customers for purposes of this section.

⁴¹ "Rate base" is defined as the rate base as filed under § 35.13 (electric rate schedule filing requirements).

⁴² "Jurisdictional rate base" is that portion of a utility's rate base which can be appropriately allocated to its jurisdictional customers; this is done in the ensuing rate case.

⁴³ The definitions of pollution control and fuel conversion facilities are substantially unchanged from current § 2.16(a).

⁴⁴ The provisions of paragraph (d) are substantially the same as those in current § 2.16(c).

permitted to include in rate base an additional amount of CWIP sufficient to reduce the amount of jurisdictional CWIP excluded from rate base to 40 percent of jurisdictional rate base. Jurisdictional rate base includes, for this purpose, CWIP included in rate base under § 35.61(b) and (c).⁴²

To add flexibility to the mechanical test, if it proposed that the Commission retain the discretion to reduce the amount of CWIP to be included or to phase it in over time. The Commission would exercise this discretion by taking into account:

- whether inclusion of the mechanically determined amount of CWIP in rate base would have a seriously adverse effect on short-term consumer electricity prices,
- findings that such inclusion would result in a price squeeze,
- findings, that the financial condition of the utility was caused either by managerial negligence or wrongdoing,
- findings, that the construction programs were not necessary to meet reasonable projections of future requirements. (§ 35.62(b)(2))

The proposed special rules for financial difficulty also contemplate that any CWIP permitted would remain in rate base only as long as the rates examined in the proceeding are effective. (§ 35.62(c))

Finally, the proposed rule changes the refund provisions of current § 2.16 relating to severe financial distress. Under the current rule, CWIP for severe financial distress can be collected only after the conclusion of the rate case. The proposed rule (§ 35.63) would allow a utility to collect this CWIP subject to refund. However, if it appears to the Commission that the inclusion of CWIP in rate base would have a seriously adverse effect on short-term electric rates, when it sets the rate for hearing under the proposed rule the Commission may limit the amount of CWIP which the utility is able to collect subject to refund.

⁴² Under current § 2.16(b) a utility is required to show by "clear and convincing evidence," that it suffers from severe financial difficulty which cannot be otherwise alleviated without materially increasing the cost of electricity to consumers. Order No. 555, *supra* note 6, at 13. Under the proposed mechanical test which turns upon empirical data, it no longer seems necessary or appropriate to retain such a burden of proof. Therefore, the Commission proposes to dispense with the need for "clear and convincing evidence" in CWIP cases.

VI. Certification of No Significant Impact on a Substantial Number of Small Entities

The Regulatory Flexibility Act⁴³ requires certain statements and analyses of proposed rules if compliance with the proposed rules will have "a significant impact on a substantial number of small entities." Pursuant to Section 605(a) of the Regulatory Flexibility Act, the Commission finds that the provisions of the Act do not apply to this rulemaking. Since nearly all of the jurisdictional utilities which must comply with the rule proposed here are too large to be considered "small entities,"⁴⁴ the Act is not applicable. Further, since the utilities regulated by the Commission hold exclusive selling rights within their service areas and are presumed to be natural monopolies, they dominate their respective fields of operation and, thus, cannot be considered to be "small entities" as that term is defined in the Act.⁴⁵ Consequently, this rulemaking has no significant impact on a substantial number of entities.

VII. Public Comment Procedures and Additional Questions

A. Procedures

Interested persons are invited to submit written comments on the proposed rule to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Comments should refer to Docket No. 81-38, on the outside of the envelope and on all documents submitted to the Commission. To ensure proper consideration of their comments, it is essential that persons submitting comments identify specifically the section and paragraph of the preamble or the rule which they are addressing. When persons submitting comments urge an approach different from the one proposed here, a specific alternative provision with appropriate legal or

⁴³ 5 U.S.C. 601-612 (Supp. 1981).

⁴⁴ Currently, 211 entities have rate schedules on file with the Commission. Of these, 184 are Class A or B utilities (having annual electric operating revenues of more than \$2,500,000 or \$1,000,000 respectively), 20 are other investor-owned utilities, 3 are industrially-owned, two are cooperatives, one is a state agency, and one is a non-profit organization. Thus, only 27 regulated entities complying with this rule have annual electric operating revenues of less than \$1,000,000.

⁴⁵ Section 601(6) of the Act defines a "small entity" as a small business, a small not-for-profit enterprise, or a small governmental jurisdiction. A "small business" is defined, by reference of Section 3 of the Small Business Act, as an enterprise which is "independently owned and operated and which is not dominant in its field of operation." 15 U.S.C. 632(a) (Supp. 1981).

empirical support should be submitted. Fourteen copies should be submitted with the original. All comments received by the Commission by September 23, 1981, will be considered prior to the promulgation of the final rule. Reply comments received by the Commission by October 23, 1981, will be considered prior to the promulgation of the final rule. Reply comments should be so identified and conform to all requirements applicable to initial written comments. Copies of the written comments may be obtained from the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8055. Comments are available for public inspection during business hours at the same location.

B. Additional Questions

In addition to the issues raised directly by the preamble, the Commission wishes to solicit comments on the following related questions. Persons addressing these questions are requested, in their comments, to refer to these by number.

1. Is a "mechanical" approach, as proposed, appropriate for determining whether a utility will be permitted to include CWIP in its rate base, and, if so, the amount of CWIP to be permitted?

2. Should a mechanical rule's focus be, as proposed, a utility's ability to raise capital? (An alternative focus would be the effect of including CWIP on the utility's cost of capital.)

3. If a mechanical rule is used that focuses on a utility's ability to raise capital, what is the most appropriate measure of this ability:

- first mortgage bond ratings, as proposed in the draft rule;
- internal cash flow;
- interest coverage;
- AFUDC to net income ratio;
- market-to-book ratio; or
- some combination of these or other indicators?

4. What is the appropriate measure for determining if CWIP is a major cause of a utility's financial problems:

- ratio of CWIP to rate base; or
- ratio of CWIP to net electric plant in service; or
- some other measure?

5. Is there a general connection between a utility's financial condition and the amount of CWIP included in its rate base? If so, how should this relationship be reflected in the Commission's rule? (In the proposed rule, the assumed relationship is reflected in the requirement that jurisdictional CWIP excluded from the

rate base be at least 40 percent of the jurisdictional rate base.)

6. Is the inclusion of CWIP in the rate base more appropriately a tool for dealing with short-term cash flow problems than for dealing with the utility's cost of capital or lack of access to capital markets?

7. What is the appropriate basis for determining the amount of CWIP that should be allowed in the rate base to alleviate demonstrated financial difficulty?

8. In considering the questions of whether CWIP is a cause of financial distress and what relief should be granted, should the Commission look to the condition of the whole company or only to the jurisdictional portion of the company?

9. If the treatment of CWIP by state regulatory agencies is likely to affect the utility's financial condition, should the Commission's rule be constructed to analyze the question of including CWIP independent of this effect? How could this be done?

10. Should "jurisdictional CWIP" be determined, as proposed, as a proportion of the utility's total CWIP, or should the determination be based on the specific nature or intended use of the facilities that are under construction?

11. Should the Commission retain discretion to limit the amount of CWIP included in the rate base, or to phase CWIP into the rate base over time? If so, what factors should be considered in the exercise of this discretion? Should it consider factors in addition to those listed in § 35.62(b)(2)?

12. Should a utility be permitted to collect CWIP subject to refund? If so, should the Commission retain the authority to limit the amount of CWIP that may be allowed? If so, under what circumstances should the Commission be able to exercise this authority?

13. Should CWIP relief be limited to the period in which the rates examined remain effective? If it is not so limited, should it be limited in some other way? For example, should CWIP relief expire after a specified period of time?

14. Would the Commission's adoption of a rule permitting the inclusion of additional CWIP in a utility's rate base require the amendment of any other Commission rules? If so, for what reasons would the changes be needed, and what would be an appropriate amendment?

15. Is there a better way to alleviate a utility's cash flow problems than by including CWIP in rate base?

16. With respect to the reasons for which the Commission may reduce the amount of CWIP allowed in rate base to relieve severe financial distress, how

should the Commission evaluate the effects of CWIP's inclusion on short-term consumer electricity prices? What are the limits of the Commission's ability to consider such effects?

(Administrative Procedure Act, 5 U.S.C. 551-557; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Federal Power Act, 16 U.S.C. 791-828c, as amended; Exec. Order No. 12009, 3 CFR 142 (1978))

In consideration of the foregoing, the Commission proposes to amend Chapter I of Title 18, Code of Federal Regulations, as set forth below.

By direction of the Commission.
Kenneth F. Plumb,
Secretary.

PART 2—GENERAL POLICY AND INTERPRETATIONS

§ 2.16 [Removed]

1. Section 2.16 is removed in its entirety.

2. Part 35 is amended in the table of contents by adding a new Subpart D to read as follows:

PART 35—FILING OF RATE SCHEDULES

Subpart D—Inclusion of Construction Work in Progress in Rate Base of Electric Utilities

Sec.

35.60 Definitions.

35.61 General rules.

35.62 Special rules for severe financial difficulty.

35.63 Refund rule.

Authority: Administrative Procedures Act, 5 U.S.C. 551-557; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Federal Power Act, 16 U.S.C. 791-828c, as amended; E.O. 12009, 3 CFR page 142 (1978).

3. Part 35 is amended by adding a new subpart to the end thereof to read as follows:

Subpart D—Inclusion of Construction Work in Progress in Rate Base of Electric Utilities

§ 35.60 Definitions.

For purposes of this subpart:

(a) "Construction work in progress" (CWIP) means the amounts properly included in Accounts 107 (construction work in progress) and 120.1 (nuclear fuel in process of refinement, conversion, enrichment and fabrication) of the Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provision of the Federal Power Act (Class A and Class B).

(b) "Jurisdictional CWIP" means the utility's total CWIP multiplied by the ratio of the utility's jurisdictional rate base to its total rate base (total company).

(c) "Rate base," except in § 35.62(b) of this subpart, means the rate base as shown by the filing party under § 35.12 or 35.13 of this part.

(d) "Jurisdictional rate base" means that portion of a utility's rate base which can be appropriately allocated to the utility's jurisdictional customers.

(e) "Pollution control facility" means an identifiable structure or portions of a structure which is designed to reduce the amount of pollution produced by the underlying power facility, except that a facility which lessens pollution by substituting a different method of generation and a facility for generation of additional power necessitated by the operation of pollution control facilities, shall not be included in this definition. In determining which facilities qualify as pollution control facilities, the Commission will consider:

(1) whether such facility falls within the definition of "a new identifiable treatment facility which is * * * to abate or control water or atmospheric pollution or contamination by removing, altering, disposing or storing of pollutants, contaminants, wastes or heat" under 26 U.S.C. 169.

(2) whether such facility has been certified by a local, state, or federal agency as being in conformity with, or required by, a program of pollution control;

(3) whether such facility falls within the following items (from sections 4A through 4D of Environmental Protection Facilities, FERC Form 1):

(i) Air pollution control facilities:

(A) Scrubbers, precipitators, tall smokestacks, etc.,

(B) Changes necessary to accommodate use of environmentally clean fuels such as low ash or low sulfur fuels including storage and handling equipment,

(C) Monitoring equipment,

(D) Other;

(ii) Water pollution control facilities:

(A) Cooling towers, ponds, piping, pumps,

(B) Waste water treatment equipment,

(C) Sanitary waste disposal equipment,

(D) Oil interceptors,

(E) Sediment control facilities,

(F) Monitoring equipment,

(G) Other;

(iii) Solid waste disposal costs:

(A) Ash handling and disposal equipment,

(B) Land,

(C) Settling ponds,

(D) Other;

(iv) Noise abatement equipment:

(A) Structures,

(B) Mufflers,

(C) Monitoring equipment,

(D) Other; as well as

(4) any other relevant evidence tending to show that such facilities are for pollution control.

(f) "Fuel conversion facility" means a facility which enables a plant which previously burned natural gas to convert to the use of other fuels, and a facility which enables an oil-burning plant to convert to fuels other than natural gas, including those which alter internal plant workings, such as oil or coal burners, soot blowers, bottom ash removal systems, and concomitant air pollution control facilities, as well as a facility needed for receiving and storing the fuel to which the plant is being converted, which would not be necessary if the plant continued to burn gas, or oil, as originally designed.

§ 35.61 General rules.

(a) *Procedures.* A utility shall seek the inclusion of CWIP in rate base under this subpart by filing a rate schedule in accordance with 18 CFR Part 35.

(b) *Pollution control and fuel conversion facilities.*

The Commission will allow the inclusion of CWIP in rate base for pollution control facilities and fuel conversion facilities.

(c) *Severe financial difficulty.* The Commission may allow the inclusion of CWIP in rate base to relieve severe financial difficulty.

(d) *Accounting requirements.*

(1) A utility which seeks the inclusion of CWIP in rate base under this subpart must show that it will discontinue the capitalization of allowance for funds used during construction (AFUDC) on such amounts of CWIP as may be permitted by this Commission to be included in jurisdictional rate base.

(2) A utility which seeks inclusion of CWIP in rate base under this subpart shall also propose accounting procedures to ensure that wholesale customers will not subsequently be charged for any corresponding AFUDC capitalized as a result of different accounting and ratemaking treatment accorded CWIP by a state commission or other regulatory authority.

§ 35.62 Special rules for severe financial difficulty.

(a) *Qualification standards.* To qualify for the inclusion of CWIP under § 35.61(c) of this subpart, an electric utility must demonstrate,

(1) that the first mortgage bond rating

of the utility at the date of filing is Baa or lower under Moody's Bond Ratings or BBB or lower under Standard & Poor's Bond Ratings; and

(2) that the dollar amount of the utility's jurisdictional CWIP minus the dollar amount of CWIP included in its jurisdictional rate base under § 35.61(b) of this subpart is at least 40 percent of the dollar amount of its net jurisdictional rate base. Jurisdictional rate base, for purposes of this paragraph, includes the dollar amount of CWIP included in its jurisdictional rate base under § 35.61(b) of this subpart but does not include the dollar amount of the utility's jurisdictional CWIP sought under § 35.61(c) of this subpart.

(b) *Amount of CWIP included.*

(1)(i) Subject to the provisions of paragraph (b)(2) of this section, if an electric utility qualifies for the inclusion of CWIP in its rate base under paragraph (a) of this section, it may include in its jurisdictional rate base no more than an amount of CWIP such that the jurisdictional CWIP not included in jurisdictional rate base is 40 percent of the jurisdictional rate base.

Example: Section 35.62(b) is intended to allow a qualifying utility to reduce the amount of jurisdictional CWIP outside of its jurisdictional rate base to the threshold level established by § 35.62(a)(2). At that level, the amount of jurisdictional CWIP outside the rate base is 40 percent of the jurisdictional rate base. An equivalent way to describe this level is to say that the jurisdictional rate base is then equal to 100/140 or approximately 71 percent of total jurisdictional investment (jurisdictional rate base plus jurisdictional CWIP not included in the rate base). Thus, assume that a qualifying utility's jurisdictional rate base prior to receiving any relief under § 35.62(b) is \$120 million, including \$10 million for pollution control facilities included in the rate base under § 35.61(b). It also has \$76 million in jurisdictional CWIP that is not included in the jurisdictional rate base. On these facts the utility presumptively is entitled to include an additional \$20 million of CWIP in its rate base under § 35.62(b). Adding this amount to the rate base would give it a total jurisdictional rate base of \$140 million. This total jurisdictional rate base is 100/140 of total jurisdictional investment. Total jurisdictional investment (\$196 million) $\times$ 100/140 = \$140 million. The same result can be expressed in terms of the relationship of jurisdictional CWIP outside the rate base to jurisdictional rate base:

Jurisdictional rate base (\$140 million) $\times$ 40% = jurisdictional CWIP outside the rate base (\$56 million).

(ii) "Rate Base," for purposes of paragraph (b)(1), means the rate base included in the cost of service approved

by the Commission at the conclusion of the rate proceeding.

(2) In considering the treatment of CWIP in a utility's rate base under this paragraph, the Commission may reduce the amount of CWIP to be included in a utility's rate base, or the Commission may require the allowed amount of CWIP to be included in a utility's rate base phased in over a period of time to be determined by the Commission, for any or all of the following reasons:

(i) the adverse effect on short-term consumer electric prices of CWIP in rate base;

(ii) the extent to which CWIP in rate base may create price discrimination between a utility's wholesale and retail rates with an anticompetitive effect;

(iii) the extent to which the utility's financial difficulty is attributable to management negligence or wrongdoing; and

(iv) the extent to which the utility's construction program is not needed to meet reasonable projections of future capacity requirements.

(c) *Time limitations.*

A utility permitted to include CWIP in rate base under this section shall be permitted to include such CWIP in rate base only for the period that the rates examined in the proceeding are effective.

§ 35.63 Refund rule.

(a) An electric utility which appears to qualify for CWIP under § 35.62(a) of this subpart may collect amounts related to CWIP subject to suspension and to refund, during the pendency of a final Commission determination; except that, when a utility seeks the inclusion of CWIP in its rate base to relieve severe financial distress, the Commission may limit the amount of CWIP which may be collected subject to refund for the reason set forth in § 35.62(b)(2)(i) of this subpart.

(b) Subject to the provisions of paragraph (a) of this section, an electric utility may include CWIP as part of its jurisdictional rate base for financial distress in rates subject to suspension and refund, no more than an amount of CWIP such that the jurisdictional CWIP not included in jurisdictional rate base is 40 percent of the jurisdictional rate base.

[FR Doc. 81-22361 Filed 7-31-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 434

[WH-FRL-1898-7]

Coal Mining Point Source Category Effluent Limitations Guidelines; Pretreatment Standards and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: On January 13, 1981, EPA proposed regulations under the Clean Water Act for pollutant discharges from coal mines (46 FR 3136). On May 29, 1981, EPA amended the January proposal and noticed the availability of the Development Document (46 FR 28873). The comment period is scheduled to expire July 28, 1981. EPA is extending the period for comment to September 3, 1981 to coincide with the end of the comment period on effluent and pond regulations recently proposed by the Department of Interior's Office of Surface Mining Reclamation and Enforcement (46 FR 34784) and because the industry has requested additional review and comment time.

DATE: Comments on the proposed regulations for the coal mining industry must be submitted to EPA by September 3, 1981.

ADDRESS: Send comments to Mr. William A. Telliard, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Attention: Docket Clerk, Proposed Coal Mining Regulation.

The supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Reference

Unit, Room 2404 (Rear). The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. William A. Telliard, (202) 426-4617.

Dated: July 24, 1981.

James N. Smith,

Acting Assistant Administrator for Water.

[FR Doc. 81-22496 Filed 7-31-81; 8:45 am]

BILLING CODE 6560-29-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 6015]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Alabama; correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Gadsden Etowah County, Alabama, previously published 46 FR 18726 on March 26, 1981.

EFFECTIVE DATE: August 3, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 426-1460, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the unincorporated areas of Etowah County, Alabama, previously published at 46 FR 18726 on March 26, 1981, in accordance with Section 110 of

the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4(a)).

The proposed base flood elevations for the City of Gadsden, Alabama as previously published contained numerous elevations at locations that were outside of the City Corporate Limits and have been deleted. There were also various elevations that required correction.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (proposed) (final) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground.*Elevation in feet (NGVD)
Alabama	City of Gadsden, Etowah County	Coosa River	Confluence of Nowlin Branch	*520
			Confluence of Town Creek	*521
		Big Wills Creek	Just downstream of Brooke Avenue	*528
			Just upstream of southern corporate limits (approximately 2100 feet upstream) Southern Railway Crossing	*536
		Black Creek	Just upstream of Chestnut Street	*525
			Just upstream of Tuscaloosa Avenue	*531
			Just downstream of Noccacula Road	*694
		Town Creek	Just upstream of Noccacula	*699
			Just upstream of Tuscaloosa Avenue	*527
		Nowlin Branch	Just upstream of Elmwood Avenue	*524
			Just upstream from North 7th Street	*532
		Greenway Creek	Just upstream of Doyle Street	*540
			Just downstream of Springfield Avenue	*530

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 13, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-22491 Filed 7-31-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6089]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Indiana; Correction

AGENCY: Federal Insurance
Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determination of base (100-year) flood elevations for selected locations in the City of Columbus, Bartholomew County, Indiana, previously published at 45 FR 32278 on June 22, 1981.

EFFECTIVE DATE: August 3, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 755-5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of

Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Columbus, Bartholomew County, Indiana previously published at 45 FR 32278 on June 22, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

The following were added to Columbus, Indiana: Denios Creek Tributary, "At confluence with Denios Creek, 633*," Just downstream of Mile House Road, 645*;" Denios Creek, "Just downstream of the confluence of Denios Creek Tributary, 632*." These changes resulted from the expansion of extraterritorial limits of the City of Columbus, Indiana. The annex area incorporated Denois Creek Tributary and part of Denois Creek. These additions warranted a correction to the Base Flood Elevation notice.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (proposed) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Indiana	(C) Columbus, Bartholomew County	Denios Creek Tributary	At confluence with Denois Creek	*633
			Just downstream of Mile House Road	*645
		Denios Creek	Just downstream of the confluence of Denios Creek Tributary.	*632

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 13, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-22489 Filed 7-31-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6079]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Michigan; Correction

AGENCY: Federal Insurance
Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of

base (100-year) flood elevations for selected locations in the City of Galesburg, Kalamazoo County, Michigan, previously published at 45 FR 31686 on June 17, 1981.

EFFECTIVE DATE: August 3, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755-5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives

notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Galesburg, Kalamazoo County, Michigan previously published at 45 FR 31686 on June 17, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 9980, which added 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

Kalamazoo River Base Flood Elevations upstream of 35th Street have been adjusted to include a cross sectional data which was previously omitted from the profile plot. This raised the base flood elevations "Just upstream of 35th Street" from 778* to 779*.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies

that the (proposed) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts

flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Michigan	(C) Galesburg, Kalamazoo County	Kalamazoo River	Just upstream of 35th Street	*779

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 13, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-22492 Filed 7-31-81; 8:45 am]

BILLING CODE 6710-03-M

44 CFR Part 67

[Docket No. FEMA 6061]

National Flood Insurance Program; Proposed Flood Elevation Determinations; North Carolina; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the unincorporated areas of Cumberland County, North Carolina, previously published 46 FR on May 27, 1981.

EFFECTIVE DATE: August 3, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 426-1460, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of

Proposed Determinations of base (100-year) flood elevations for selected locations in the unincorporated areas of Cumberland County, North Carolina previously published at 46 FR 28450 on May 27, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4(a)).

For the location of 'Just downstream of U.S. Highway 401' under the source of flooding of Little Rockfish Creek listed an elevation of 175 feet NGVD. This should have been 174 feet NGVD. The location of 'Just upstream of Private Drive' under the source of flooding of Mill Creek listed an elevation of 186 feet NGVD. This elevation should have been listed as 86 feet NGVD. The location of 'Just upstream of Shaw Mill Road' under the source of flooding of Cross Creek is also incorrectly listed as 157 feet NGVD. This should have been listed as 156 feet NGVD.

Pursuant to the provisions of 5 U.S.C. 605 (b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (proposed) (final) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
North Carolina	Unincorporated Areas of Cumberland County	Mill Creek	Just upstream of Private Drive	*86
		Cross Creek	Just upstream of Shaw Mill Road	*156
		Little Rockfish Creek	Just downstream of U.S. Highway 401	*174

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 13, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-22490 Filed 7-31-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6061]

National Flood Insurance Program; Proposed Flood Elevation Determinations; North Carolina; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in Town of Mount Olive, Wayne and Duplin Counties, North Carolina, previously published 46 FR 28451 on May 27, 1981.

EFFECTIVE DATE: August 3, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives

notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Mount Olive, Wayne and Duplin Counties, North Carolina previously published at 46 FR 28451 on May 27, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4(a)).

For the location of "Downstream of Bell Avenue" under the source of flooding of Pasture Branch, the elevation of 144 feet NGVD is incorrect. The elevation in feet should be 142 NGVD. For the location of "Upstream of Bell Avenue" under the source of flooding of Pasture Branch, the elevation of 148 feet NGVD is also incorrect. The elevation in feet should be 144 NGVD.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom

authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (proposed) (final) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
North Carolina	Town of Mount Olive, Wayne and Duplin Counties	Pasture Branch	Just downstream of Bell Avenue	*142
			Just upstream of Bell Avenue	*144

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 13, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-22493 Filed 7-31-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5725]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Massachusetts

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; revision.

SUMMARY: Technical information or comments are solicited on the proposed

base (100-year) flood elevations listed below for selected locations in the Town of Stoughton, Norfolk County, Massachusetts.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the Federal Register at 44 FR 64457 on November 7, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be

ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the proposed flood elevations are available for review at the Office of the Town Engineer, Town Hall, 10 Pearl Street, Stoughton, Massachusetts. Send comments to: Honorable Walter Johnson, Chairman of the Stoughton Board of Selectmen, 10

Pearl Street, Stoughton, Massachusetts 02072.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration National Flood Insurance Program (202) 755-5585 Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Town of Stoughton, Norfolk County Massachusetts, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not

have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

Proposed base (100-year) flood elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Massachusetts	Stoughton, Town Norfolk County	Steep Hill Brook	Downstream of Erin Road	*114
			Upstream of Mill Street	*128
			Upstream of Bituminous Road	*148
			Confluence of Tributary to Steep Hill Brook	*155
			Upstream of Southworth Pond Dam	*173
			Upstream of Brittons Pond Dam	*183
			Downstream of Sheehan Street	*187
		Tributary to Steep Hill Brook	Confluence with Steep Hill Brook	*155
			Approximately 1,000' upstream of West Street	*157
		Redwing Brook	Downstream corporate limits	*183
			Upstream of Private Drive	*192
			Approximately 1,000' upstream of Pine Drive	*205
		Dorchester Brook	Downstream corporate limits	*180
			Approximately 3,300' upstream of downstream corporate limits	*192

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 [33 FR 17804, November 28, 1968], as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 14, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

FR Doc. 81-22327 Filed 7-31-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Ch. I

[CGD 80-134]

Operational Visibility From Navigational Bridge of Commercial Vessels Operating in U.S. Waters

AGENCY: Coast Guard, DOT.

ACTION: Extension of comment period for advance notice of proposed rules.

SUMMARY: In the Federal Register of May 11, 1981 (46 FR 26086) the Coast

Guard solicited comments on navigational bridge visibility. This notice extends the public comment period to October 12, 1981. The original closing date for public comment was August 10, 1981. This action is taken to allow the public additional time to respond to the original notice.

DATES: Comments must be received on or before October 12, 1981.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/24) (CGD 80-134), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection or copying from 7:00 am to 5:00 pm, Monday through Thursday at

the Marine Safety Council (G-CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, DC 20593, 202-426-1477.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Robert W. Henry, 202-426-2197.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are Lieutenant Commander Robert W. Henry, Ship Design Branch, Merchant Marine Technical Division, Office of Merchant Marine Safety, and Mr. Michael N. Mervin, Project Counsel, Office of the Chief Council.

(46 U.S.C. 369, 391a; 49 CFR 1.46)

Dated: July 21, 1981.

L. N. Hein,

Captain U.S. Coast Guard, Acting Chief,
Office of Merchant Marine Safety.

[FR Doc. 81-22534 Filed 7-31-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Railroad Administration

49 CFR Ch. II

[Docket No. RSSI-81-1; Notice No. 1]

General Safety Inquiry; Initiation and Announcement of Hearings

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of general railroad safety inquiry.

SUMMARY: The FRA is initiating a general railroad safety inquiry to obtain information from the public to assist in evaluating and improving the effectiveness of its safety regulatory program as it applies to small railroads.

DATES: (1) The first 2-day public hearing will begin at 10 a.m. on September 22, 1981 (other hearings have been tentatively scheduled for October 15 and 16 and November 9 and 10, 1981).

(2) Prepared statements and comments should be submitted to the principal program person by September 15, 1981.

(3) Persons desiring to participate in the first hearing should notify the Docket Clerk by September 15, 1981.

ADDRESSES: (1) September 22 hearing location—Nassif Building, Room 4234, 400 Seventh Street, S.W., Washington, D.C. 20590.

(2) Docket Clerk, Office of Chief Counsel, FRA; Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

(1) *Principal Program Person:* Rolf Mowatt-Larssen, Office of Safety (RRS-20), FRA, Washington, D.C. 20590. Phone (202) 426-0924.

(2) *Principal Attorney:* Lawrence L. Wagner, Office of Chief Counsel (RCC-30), FRA, Washington, D.C. 20590. Phone (202) 426-8836.

SUPPLEMENTARY INFORMATION: Pursuant to § 211.61 of its rules of practice (49 CFR 211.61), the FRA is initiating a general safety inquiry to examine in depth the effectiveness of its safety regulatory program as it applies to small railroads. On the basis of the information obtained in this inquiry and other data, FRA will consider revising the scope and nature of its regulatory program to reflect particular circumstances encountered by small railroads in complying with FRA safety regulations.

Historically, Federal safety regulations have applied equally to all railroads regardless of size or the nature of their operations. Any need to vary the universal application of a given rule to accommodate the significant variations of corporate size and scope of operations has been resolved by the issuance of waivers or the granting of exemptions. In recent years the volume of the request for exemptions or waivers of compliance has been increasing.

In response to this situation and in light of the policies enunciated in Executive Order 12291 (46 FR 13193) and the Regulatory Flexibility Act (5 U.S.C. 610, Pub. L. 96-354), the FRA is considering possible courses of action that could accommodate the compliance problems encountered by small railroads.

The scope of the inquiry encompasses three general areas: (1) the definition of what constitutes a small railroad; (2) the accident experience of the small railroads; and (3) the appropriateness of eliminating small railroads from the coverage of specific FRA safety regulations or modifying FRA safety regulations to impose different standards for small railroads.

The definition of a small railroad has been addressed in several contexts. The Interstate Commerce Commission (ICC) has classified railroads according to their revenues and designated railroads with low annual revenues as Class III carriers for reporting and analysis purposes. For ICC purposes a railroad with revenues of less than 10 million dollars is currently considered a Class III or small railroad (49 CFR Part 1240). The Small Business Administration considers a rail transportation entity to be a small business for Federal loan purposes if the entity has annual gross revenues of \$1.5 million or less (13 CFR Part 121). The FRA has used the concept of a railroad operating only one train at any given time as a benchmark for excluding such carriers from the applicability of a safety regulation (49 CFR Part 221). Finally, the Hours of Service Act (45 U.S.C. 64(b), 83 Stat. 463) uses the concept of a limited number of employees (15 persons) as the basis for permitting noncompliance with the general statutory limitation on the number of hours a railroad employee may remain on duty. FRA seeks information from all concerned parties on the appropriateness of using one or more of these or other benchmarks as a basis for defining a small railroad for the purposes of modifying or eliminating portions of FRA's safety regulations.

FRA has conducted a preliminary analysis of the accident experience of the small railroads. The accident/

incident data furnished by all the railroads for the five year period, 1975 through 1979, was organized to permit a limited comparison of the accident experience of all railroads. The comparison data indicates that the small railroads account for a very small portion of the total number of persons killed or injured during that period. For example, if the ICC definition of a small railroad is used, approximately 340 railroads would fit within that definition. These railroads experienced roughly 10 percent of the total number of casualties for the five year period. In contrast, the Class I and Class II carriers accounted for approximately 7,100 fatalities and 290,000 injuries in that period which represents approximately 90 percent of the casualties reported to FRA. FRA believes that this favorable accident record of small railroads is the result of several factors, including the relatively slow speed of the operations, the low volume of hazardous materials being handled, and the fact that many of these railroads operate almost exclusively during daylight hours and have a degree of consistency in their limited operations that is not found on large railroads. FRA is concerned that simple reliance on these absolute numbers could be misleading since these small railroads have fewer potential casualties due to the limited size of their work force and the small volume of railroad activity.

FRA seeks to obtain the views of all parties on the need to create a risk exposure index to permit an assessment of actual casualty data in terms of the number of employee hours worked or the train miles operated. FRA will also consider attempting to refine the injury data to permit an indexing of injury severity.

Finally, FRA has reviewed the implications of the exemption of small railroads from FRA safety regulations. There are currently fifteen substantive safety regulations that can have an impact on small railroads. These fifteen regulations, which are contained in Volume 49 of the Code of Federal Regulations, are as follows:

1. Part 213—Track Standards
2. Part 215—Freight Car Standards
3. Part 217—Railroad Operating Practices
4. Part 218—Railroad Operation Rules
5. Part 220—Radio Rules
6. Part 221—Rear End Marking Device Rules
7. Part 223—Glazing Standards
8. Part 225—Accident/Incident Reporting Rules
9. Part 228—Hours of Service
10. Part 229—Locomotive Standards
11. Part 230—Steam Locomotive Standards
12. Part 231—Safety Appliance Standards
13. Part 232—Power Brake Rules

14. Part 235—Signal System Reports

15. Part 236—Signal System Rules

Some of these regulations are strictly related to matters that are fully within the control of a small railroad and have no bearing on other railroads. The Track Standards, Glazing Standards, and Accident/Incident Reporting Rule are illustrative of this type of regulation. Other regulations relate to matters that are not necessarily within the exclusive control of the small railroads due to the interchange of equipment and the existence of joint operations of various types. The Freight Car Standards, Safety Appliance Standards and Power Brake Rules are illustrative of this type of regulation. FRA wants to obtain the views of various parties on the wisdom of modifying or eliminating both types of safety regulations for small railroads.

The FRA lacks necessary data on the costs and benefits associated with compliance by small railroads with its existing regulations. Such data is necessary for an assessment of the effectiveness of its safety regulatory program and any potential restructuring of that program to address the needs of small railroads.

In order to obtain the necessary information, FRA believes that the following items should be addressed in these hearings and in written submissions by interested parties:

1. What criteria should be used to describe a small railroad? If the criteria selected involves annual revenues, number of employees, mileage operated or some other criteria that may fluctuate periodically, should FRA impose a reporting burden? Should a small railroad, which functions as an integral part of a large railroad, be accorded different regulatory treatment?

2. Should FRA measure the accident record of a small railroad before reducing or eliminating the regulatory burden for that carrier or simply permit all railroads meeting the criteria to fit with the deregulated category? If an accident record analysis is utilized, what reference tools should be utilized by FRA (i.e., the number of casualties and train accidents experienced for a given period or a combination of accident data and exposure index)? How should the existence of passenger or tourist operations, or the movement of quantities of hazardous materials, impact the evaluation of that accident record?

3. What are the actual costs of compliance with individual FRA safety regulations? Which of the existing regulations is considered the most burdensome rule for small railroads? Which regulations should be eliminated or modified? Would alteration of only portions of some regulations be sufficient to eliminate the most burdensome impact of that particular rule? Explain. If the regulatory burden were reduced for small railroads and the accident record of that railroad deteriorated, what would be recommended as a practical and enforceable response by FRA to that situation? How should FRA approach the status of a newly created railroad that has no accident record?

4. Would a reduction in the Federal regulatory burden lead to an increase in State regulatory efforts? Would a reduction in the Federal regulatory burden on small railroads present a safety problem in the equipment area for large railroads that connect with those small railroads?

5. In the absence of Federal standards for the condition of track and

equipment, what standards would small railroads utilize to determine the minimum safe condition of track or equipment? Is there any industry mechanism for determining compliance with these alternate standards?

FRA requests that the Association of American Railroads, the American Short Line Railroad Association, individual railroads, the National Transportation Safety Board, state regulatory agencies, railroad employee organizations and other interested parties participate actively in this hearing by providing knowledgeable witnesses and pertinent technical, manufacturing, service and cost data. FRA further requests that these witnesses be prepared to present detailed information to justify their positions.

Prepared statements should be submitted by September 15, 1981, in triplicate to the Docket Clerk, Office of Chief Counsel (RCC-1), Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

Persons desiring to participate in this hearing should notify the principal program person by September 15, 1981 and indicate the amount of time they will need to present their views.

Two additional hearings are planned. These are tentatively scheduled to occur on October 15 and 16 in St. Louis, Missouri and on November 9 and 10 in San Francisco, California. The locations for these hearings will be announced later.

(Sec. 208, Federal Railroad Safety Act of 1970 (45 U.S.C. 437), § 1.49(n) of the Regulations of the Office of the Secretary, 49 CFR 1.49(n))

Issued in Washington, D.C. on July 27, 1981.

Robert W. Blanchette,
Administrator.

[FR Doc. 81-22342 Filed 7-31-81; 8:45 am]

BILLING CODE 4910-06-M

Notices

Federal Register

Vol. 46, No. 148

Monday, August 3, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Order 81-7-141]

Fitness Determination of Henson Aviation, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-7-141, Order to Show Cause.

SUMMARY: The Board is proposing to find that Henson Aviation, Inc. d/b/a Allegheny Commuter is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it has the ability to provide reliable essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than August 18, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with the Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of the order.

FOR FURTHER INFORMATION CONTACT: Richard L. Johnson, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5126.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-141 is available from the Distribution Section, Room 516, Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-7-141 to

Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 29, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-22524 Filed 7-31-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-7-140]

Fitness Determination of Commuter Airlines, Inc., and Freedom Airlines, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-7-140, order to show cause.

SUMMARY: The Board is proposing to find that Commuter Airlines, Inc. and Freedom Airlines, Inc. are fit, willing and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that Commuter Airlines is capable of providing reliable essential air service; and that the aircraft used by Commuter and Freedom for their services conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than August 18, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Mr. Patrick V. Murphy, Jr., Chief, Essential Air Services Division, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-7-140.

FOR FURTHER INFORMATION CONTACT: Richard E. Clausman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5216.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-140 is available from the Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for

Order 81-7-140 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 29, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-22523 Filed 7-31-81; 8:45 am]

BILLING CODE 6320-01-M

Order Concerning Mail Rates

Order 81-7-139, July 29, 1981, Docket 38770, proposed an increased temporary intra-Alaska service mail rate for Peninsula Airways, Inc. on and after May 19, 1981.

Copies of the order are available from the AB Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-22522 Filed 7-31-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

North Carolina Advisory Committee; Agenda; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting on the North Carolina Advisory Committee to the Commission will convene at 9:00a and will end at 5:00p, on August 27, 1981; it will also convene at 9:00a and will end at 5:00p, on August 28, 1981, at the Ramada Inn, The Lounge, Box 846, Atlantic Beach, North Carolina 28512. The purpose of this meeting is to orient a newly rechartered Committee and to discuss program planning for Fiscal Year 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Tommie Young, Ph.D., 4303 King Arthur Place, Greensboro, N.C. 27405 (919) 379-7803, or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, Atlanta, Georgia 30303, (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. July 28, 1981.

John I. Binkley,
Advisory Committee Management Officer.

[FR. Doc. 81-22487 Filed 7-31-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Bicycle Tires and Tubes From Taiwan; Reopening of Countervailing Duty Investigation

AGENCY: International Trade
Administration, Commerce.

ACTION: Reopening to Countervailing
Duty Investigation.

SUMMARY: The Department of commerce is reopening certain aspects of the countervailing duty investigation on bicycle tires and tubes from Taiwan, in accordance with an order from the U.S. Court of International Trade. As ordered by the court, a final determination will be made and provided to the court no later than October 19, 1981.

EFFECTIVE DATE: August 3, 1981.

FOR FURTHER INFORMATION CONTACT:
Raymond Busen, Office of
Investigations, International Trade
Administration, U.S. Department of
Commerce, Room 2120, Washington,
D.C. 20230 (202-377-1276).

SUPPLEMENTARY INFORMATION:

Reopening of Investigation

As ordered by the Court of International Trade, we are reopening the countervailing duty investigation on bicycle tires and tubes from Taiwan for the purpose of seeking the additional information specifically directed by the court in its order of June 19, 1981. We will report our redetermination to the court by October 19, 1981.

Background

On January 8, 1979, a notice of "Final Countervailing Duty Determination" was published in the Federal Register (44 FR 1815). For the purposes of both the determination and this notice the term "bicycle tires and tubes" means pneumatic bicycle tires and tubes, of rubber or plastics, whether such tires and tubes are sold together as units or separately. Bicycle tires and tubes currently are covered under Items 772.48 and 772.57, respectively, of the Tariff Schedules of the United States (TSUS). The notice stated that the Department of the Treasury ("Treasury") had determined that benefits have been paid by Taiwan authorities on the manufacture/exportation of bicycle tires and tubes,

but that the benefits involve an aggregate amount considered to be *de minimis* in size, and that therefore no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) upon the manufacture, production or exportation of bicycle tires and tubes from the Republic of China.

The notice stated that the Taiwanese bicycle tire and tube manufacturers received benefits from the Taiwan authorities under the following programs: (1) preferential income tax ceiling—weighted-average benefit of .27 percent *ad valorem*, (2) preferential export financing—no firm received a benefit greater than .03 percent *ad valorem*, and the weighted-average benefit for all manufacturers/exporters was only .005 percent, and (3) deferred payment of duties on machinery and equipment imported into Taiwan—only one firm received benefits, and the benefit was only .002 percent *ad valorem*.

As stated in the Federal Register notice of January 8, 1979, Treasury determined that

the aggregate weighted-average benefit received by the industry during the period investigated was .28 percent *ad valorem*, with no single firm receiving more than .44 percent.

Treasury further determined that the benefits were *de minimis*.

On February 20, 1979, the Secretary of the Treasury published a notice of desire to contest the negative countervailing duty determination (T.D. 79-60, 44 FR 10450). On March 8, 1979, counsel for the petitioner filed suit in the U.S. Customs Court to challenge the Secretary of the Treasury's final countervailing duty determination (*Carlisle Tire and Rubber Co. v. U.S.*, 79-3-00423). Specifically, plaintiff alleged that (1) a *de minimis* benefit must be countervailed, and (2) the amount of the benefits received were substantially larger than those found by the Secretary of the Treasury.

On June 19, 1981, the U.S. Court of International Trade held that the *de minimis* doctrine was applicable to cases arising under the countervailing duty statute. In addition, the court stayed the proceedings and vacated Treasury's negative countervailing duty determination. Further, the court remanded the case to the Secretary of Commerce for "further inquiries as may be needed to determine the *ad valorem* benefit provided the Taiwanese bicycle tire and tube manufacturers by . . . Taiwan" with respect to portions of two programs—(1) preferential income tax ceiling, and (2) preferential export financing.

Preferential Income Tax Ceiling

The Federal Register notice of January 8, 1979, stated that

Under the Statute for the Encouragement of Investment, firms whose establishment or expansion was approved before December 31, 1973, qualify for a tax ceiling equivalent to 25 percent of the firms' taxable income. The usual tax rate is 35 percent of taxable income.

In conducting the countervailing duty investigation, the Secretary of the Treasury received two sets of figures, virtually identical, from the Taiwan authorities and the Taiwan Bicycle Tire and Tube Manufacturers Association (the "Association"), respectively. The Taiwan authorities submitted a response containing a table setting forth income tax data, the first column of which was captioned "Value of Income Tax Ceiling of 25 Percent." The Association submitted a set of figures, which were virtually identical, which were intended to represent the "actual tax paid" at 25 percent. The Treasury Department relied on this latter set of figures, as a clarification of the figures presented by the Taiwan authorities.

The court stated that, lacking evidence in the record as to which figures are correct, it could neither approve the Secretary of the Treasury's findings as to the *ad valorem* benefit of the 25 percent tax rate, nor could it accept plaintiff's computations based on the Taiwanese authorities' figures. Consequently the court remanded the case to the Department of Commerce for further inquiry to resolve this issue.

Preferential Export Financing

The Federal Register notice of January 8, 1979, stated that

Several firms exporting bicycle tires and tubes received advantageous loan rates, in connection with an export loan program, for the purchase of raw materials. The preferential loan rate is 6.5 percent (per annum) for a term not to exceed six months. The regular commercial loan rate varies between 10.5 to 10.75 percent for loans for similar terms.

The court directed Commerce to obtain additional information on the amount, the actual duration of each loan, and the actual amount of interest paid, and to redetermine the benefit based on additional information.

Because of time constraints, we will not publish a preliminary determination of the results, nor hold a hearing on the issues discussed in this notice. We will afford interested parties an opportunity to comment on the two issues discussed in this notice until September 18, 1981. Furthermore, we will publish a notice

announcing the final results of this reopened investigation.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-22091 Filed 7-31-81; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

Name Change of Approved Trustee

Notice is hereby given that effective June 1, 1981, United California Bank, Los Angeles, California, which has been approved as Trustee pursuant to Pub. L. 89-346 (46 U.S.C. 808) and 46 CFR 221.21-220.30, changed its name to First Interstate Bank of California.

Dated: July 27, 1981.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-22452 Filed 7-31-81; 8:45 am]

BILLING CODE 3510-15-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. PP-68-A]

Issuance of Order Authorizing Transmission of Electric Energy to Mexico; San Diego Gas & Electric Co.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Issuance of Order in Docket No. PP-68-A, Authorizing the Transmission of Electric Energy to Mexico, by San Diego Gas & Electric Company (SDG&E).

SUMMARY: The Department of Energy (DOE) has issued an order in Docket No. PP-68-A authorizing SDG&E to export electric energy to Mexico. SDG&E will sell non-emergency capacity and energy, and emergency assistance energy to the Comision Federal de Electricidad, Baja California Norte (CFE).

FOR FURTHER INFORMATION CONTACT:

Garet A. Bornstein, Utility Systems and Emergency Communications Division, Department of Energy, Room 4209, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3889

Lise Courtney M. Howe, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6A-141, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-2900

Issued: July 22, 1981.

On January 2, 1981, San Diego Gas & Electric Company (SDG&E) filed an

application with the Department of Energy (DOE) in Docket No. PP-68-A for authorization, pursuant to section 202(e) of the Federal Power Act, to transmit electric energy from the United States to Mexico. The electric energy proposed to be transmitted to Mexico by SDG&E will be sold to the Comision Federal de Electricidad, Baja California Norte (CFE), in accordance with the terms and at the rates set forth in the Interconnection and Exchange Agreement (Agreement), a copy of which was filed as exhibit A of the application. The Agreement provides for the sale to CFE by SDG&E of non-emergency capacity and energy, and emergency assistance energy. Under the terms of the Agreement, SDG&E has full discretion to sell surplus non-emergency capacity and energy to CFE. Similarly, the sale of emergency assistance energy to CFE is authorized when the sufficiency of electric supply and the reliability of the SDG&E system is not endangered by such sales. These electricity sales are intended as part of a program of mutual benefit to SDG&E and the CFE.

The electric energy which SDG&E proposes to export will be delivered to CFE by a 230-kilovolt (kV) overhead transmission line owned in the United States by SDG&E and connecting with a 230 kV line owned by the CFE at a point on the United States-Mexican border approximately ten miles south of the SDG&E's Miguel substation in San Diego County, California. The transmission line and electric interconnection at the international border are covered by and subject to a Presidential Permit issued by the Administrator of the Economic Regulatory Administration on January 12, 1981, in ERA Docket No. PP-68.

Notice of the application was given by publication in the Federal Register on March 19, 1981 (46 F.R. 17580), stating that any person desiring to be heard or to make any protest with reference to the application should on or before March 30, 1981, file with the Department of Energy, Washington, D.C. 20585, petitions to intervene or protests in accordance with the Rules of Practice and Procedure (18 CFR 1.8 and 1.10). No petition or protest or request to be heard in opposition to the granting of the application was received by the DOE.

DOE finds:

(1) The proposed transmission of electric energy from the United States to Mexico as limited herein and as hereinafter authorized will not impair the sufficiency of electric supply within the United States and will not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of DOE, because SDG&E

will be exporting surplus electricity. Furthermore, SDG&E also proposes to import electricity from CFE.

(2) The period of public notice given in this matter is reasonable.

DOE orders:

(1) SDG&E hereby is authorized to transmit electric energy from the United States to Mexico in accordance with the terms and conditions set forth in the application and the Interconnection and Exchange Agreement, and subject to the provisions of this Order.

(2) The electric energy which SDG&E hereby is authorized to transmit from the United States to Mexico shall be transmitted over facilities specified in the Presidential Permit signed by the Administrator of ERA on January 12, 1981, in ERA Docket No. PP-68.

(3) The authorization herein granted may be modified from time to time or terminated by further order of DOE, but in no event shall such authorization extend beyond the date of termination or expiration of the Permit signed by the Administrator of ERA, referred to in paragraph (2) above.

(4) SDG&E shall conduct all operations pursuant to the authorization herein granted in accordance with the provisions of the Federal Power Act and pertinent rules, regulations or orders adopted or issued by DOE.

(5) SDG&E shall provide for the installation and maintenance of adequate metering equipment to measure the flow of all electric energy transmitted over this interconnection with CFE; and shall make and preserve full and complete records with respect to the movement of such electricity. SDG&E shall furnish a report to DOE annually on or before February 15, showing the gross amount of electricity delivered or received; the maximum hourly rate of power flow in each direction; and the consideration received or paid therefor during each month of the preceding calendar year.

(6) Exports Authorized.

The following conditions apply to the export by SDG&E of electricity utilizing the facilities authorized by Presidential Permit PP-68:

(a) The maximum amount of power flow that may occur to Mexico over the facilities authorized in Presidential Permit PP-68 shall not exceed 125 megawatts per hour.

(b) The quantity of energy that may be exported hereunder shall not exceed 550,000 megawatt-hours annually.

(c) Upon a determination by SDG&E that an emergency exists in the CFE power system, electricity may be exported for a period up to 24 hours at a rate in excess of that set forth in

subparagraph (a) above. Further time extensions may be granted by DOE upon request by SDG&E. If such a situation occurs, SDG&E shall submit to the DOE a detailed description of the event which initiated the emergency not later than thirty (30) days of such an occurrence.

Issued in Washington, D.C., July 22, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81-22424 Filed 7-31-81; 8:45 am]

BILLING CODE 6450-01-M

Mitchell Energy Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.
ACTION: Notice of proposed consent order and opportunity for comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: July 15, 1981.

COMMENTS BY: September 2, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, [Phone] (214) 767-7745.

SUPPLEMENTARY INFORMATION: On July 15, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with Mitchell Energy Corporation, of The Woodlands, Texas. Under 10 CFR 205.199(b), a proposed Consent Order which involves a sum of \$500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. Consent Order

Mitchell Energy Corporation is a firm engaged in the processing of natural gas and sale of natural gas liquids and natural gas liquid products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10

CFR, Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of natural gas liquids and natural gas liquid products the Office of Enforcement, ERA, and Mitchell Energy Corporation, entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was September 1973 through October 31, 1978 and it included all sales of natural gas liquids and natural gas liquid products which were made during that period.

2. Mitchell Energy Corporation did not apply in a manner acceptable to the DOE the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subparts E and K, when determining the prices to be charged for its natural gas liquids and natural gas liquid products, and, as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and Mitchell Energy Corporation have agreed to a settlement in the amount of \$715,000. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Mitchell Energy Corporation.

4. This Consent Order constitutes neither an admission by Mitchell Energy Corporation that ERA regulations have been violated nor a finding by the ERA that Mitchell Energy Corporation has violated ERA regulations.

5. The provisions of 10 CFR 205.199, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Mitchell Energy Corporation agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. 1. above, the sum of \$708,000 plus interest, plus \$7,000 in penalty. Refunded overcharges and penalty will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amount in a manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that

only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199(a).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Mitchell Energy Corporation Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on September 2, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 23rd day of July 1981.

Wayne L. Tucker,
Southwest District Manager, Economic
Regulatory Administration.

[FR Doc. 81-22423 Filed 7-31-81; 8:45 am]
BILLING CODE 6450-01-M

[ERA Docket No. 81-CERT-014]

**Orange and Rockland Utilities, Inc.;
Recertification of Eligible Use of
Natural Gas To Displace Fuel Oil**

On June 27, 1981, Orange and Rockland Utilities, Inc., (Orange and Rockland) One Blue Hill Plaza, Pearl River, New York 10965, filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for recertification of an eligible use of up to about 50,000 Mcf of natural gas per day. It is estimated that a total of 3.66 million Mcf will be used to displace approximately 600,000 barrels of No. 6 fuel oil (0.37 to 0.6 percent sulfur) per year at its Lovett Plant and/or Bowline Point generating facilities located in Rockland County, New York. The eligible seller of the natural gas is East Tennessee Natural Gas Company and the gas will be transported by Tennessee Gas Pipeline Company. Notice of that application was published in the *Federal Register* (46 FR 36227, July 14, 1981) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

On July 24, 1980, Orange and Rockland received the original certification (ERA Docket No. 80-CERT-024) of an eligible use of natural gas at the Lovett Plant and/or Bowline Point facility for a period of one year, which expires July 24, 1981.

The ERA has carefully reviewed Orange and Rockland's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Orange and Rockland's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the Division of Natural Gas Docket Room, Room 7108, RG-13,

2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., July 27, 1981.
F. Scott Bush,

Acting Director, Office of Program
Operations, Economic Regulatory
Administration.

[FR Doc. 81-22528 Filed 7-31-81; 8:45 am]
BILLING CODE 6450-01-M

**Federal Energy Regulatory
Commission**

[Docket No. CP81-394-000]

**Michigan Wisconsin Pipe Line Co.;
Application**

July 15, 1981.

Take notice that on June 25, 1981, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP81-394-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing modification in levels of service to certain customers, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that pursuant to Article 8 of the General Terms and Conditions of its FERC Gas Tariff Original Volume No. 1, Applicant has been advised by Wisconsin Power and Light Company (Wisconsin Power), Peoples Natural Gas Company, Division of Internorth, Inc. (Peoples) and North Central Public Service Co. (North Central) of their desired changes in peak day service as represented in superseding service agreements between Applicant and each customer effective November 1, 1981. Applicant states that there are no changes in annual gas supply entitlements to these customers and no new facilities are required to implement the changes in level of service.

Specifically, Applicant proposes to increase North Central's contract demand pursuant to Applicant's Rate Schedule LVS-1 from 42,210 dekatherms (dt) equivalent to 44,220 dt equivalent. It further proposes to decrease the contract demand of Wisconsin Power under its Rate Schedule CD-1 from 211,050 dt equivalent to 197,000 dt equivalent and to increase the contract demand of Peoples under its Rate Schedule SGS-1 from 5,136 dt equivalent to 5,739 dt equivalent.

Any person desiring to be heard or to make any protest with reference to said

application should on or before August 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-22510 Filed 7-31-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP66-121]

**Midwestern Gas Transmission Co.;
Petition To Amend**

July 15, 1981.

Take notice that on June 23, 1981, Midwestern Gas Transmission Company (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP66-121 a petition to amend the order issued June 20, 1967,¹ as amended, in the instant docket pursuant to Section 3 of the Natural Gas Act so as to authorize an extension of the term of Petitioner's import authorization through

¹ This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

October 31, 1982, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it was authorized in this proceeding to import during the period ending October 31, 1981, approximately 114,000,000 Mcf of natural gas. Petitioner proposes to extend the term of the import authorization to and including October 31, 1982.

Petitioner asserts that of the 114,000,000 Mcf previously approved for importation only approximately 57,000,000 Mcf has been imported. Petitioner contends that the proposed extension would allow the importation of the remaining volumes. It is stated that only existing facilities would be used.

It is asserted that Petitioner and TransCanada PipeLines Limited (TransCanada) entered into an amending agreement on April 30, 1981, to amend further the presently effective June 30, 1987, gas purchase contract between the parties so as to provide for the sale by TransCanada to Petitioner of the remaining portion of the above-reference estimated 114,000,000 Mcf of natural gas for an extended term until and including October 31, 1982. Petitioner asserts that such volumes would continue to be resold to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), Northern Natural Gas Company, Division of InterNorth, Inc., and Natural Gas Pipeline Company of America. It is stated that all quantities imported at the Niagara Interconnection would be resold to Tennessee.

Applicants avers that TransCanada is currently seeking authorization to extend its exportation of the subject volumes of gas until October 31, 1982, from the Canadian National Energy Board. Petitioner requests waiver of Section 153.3(d) of the Regulations requiring field names, locations and reserve estimates on a field by field basis as the gas proposed to be imported is part of TransCanada's system supply and is not to be purchased and produced from specific fields for resale to Petitioner.

Petitioner proposes to purchase the imported gas from TransCanada at the rate prescribed by the Canadian Government as permitted by the Commission which is presently \$4.94 (U.S.) per million Btu.

Petitioner submits that the proposed extension would not have a rate impact on its customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before

August 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-22511 Filed 7-31-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-298]

Mississippi Fuel Co.; Amendment to Petition for Approval of Rates and Charges

July 15, 1981.

Take notice that on June 15, 1981, Mississippi Fuel Company (Applicant), 1100 First National Center East, Oklahoma City, Oklahoma 73102, filed in Docket No. ST80-298 pursuant to §§ 284.126(b) and 284.123(b)(2) of the Commission's regulations an amendment to its petition for approval of rates and charges for the transportation of natural gas for Transcontinental Gas Pipe Line Corporation (Transco) for approval of an amended rate, all as more fully set forth in the amendment to petition for approval of rates and charges which is on file with the Commission and open to public inspection.

It is submitted that Transco System Fuels, Inc., Mississippi Power & Light Company and Applicant commenced a transportation and exchange transaction pursuant to Subparts B and C of Part 284 of the Commission's Regulations on June 15, 1980. It is also submitted that after a petition for approval of rates and charges was filed on September 11, 1980, in the instant docket, the Commission approved an initial demand charge of 19.5 cents per Mcf. Applicant now proposes to amend the demand charge to 17.45 cents per Mcf pursuant to an amended agreement between the parties dated August 20, 1980, which provides *inter alia* that an adjustment to the demand charge would be made at the end of the twelve month period commencing with initial deliveries hereunder to be effective during the ensuing twelve month period to reflect

actual throughput of the pipeline system and any modifications in the cost of service factors.

It is stated that this amendment is filed pursuant to § 284.123(b)(2) of the Commission's Regulations as the elections otherwise available to an intrastate pipeline under § 284.123(b)(1) are not available to Applicant because Applicant has no rate schedules on file with the Mississippi State Oil and Gas Board covering city-gate service or transportation service of the nature proposed to be rendered on behalf of Transco. Furthermore, Applicant avers that the agency has not taken into account the revenues received for establishing transportation services to its intrastate customers because neither that agency nor any other state regulatory agency establishes transportation rates charged by Applicant to its intrastate customers.

Any person desiring to be heard or to make any protest with reference to said >amendment > should > on > or > before > August 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-22512 Filed 7-31-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-389-000]

Sugar Bowl Gas Corp.; Application

July 15, 1981.

Take notice that on June 17, 1981, Sugar Bowl Gas Corporation (Applicant), 1200 Milam Street, Suite 3310, Houston, Texas 77002, filed in Docket No. CP81-389-000 an application pursuant to Section 311(a) of the Natural Gas Policy Act of 1978 and Subpart C of 284 of the Commission's Regulations for approval of a long term transportation service for a maximum term of 15 years for the account of Southern Natural Gas Corporation (Sonat), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant, an intrastate pipeline, specifically proposes to transport up to 200,000 Mcf of natural gas per day or up to a total of 1,095,000,000 Mcf of natural gas, subject to upward modification if required, for Sonat pursuant to a contract between the parties dated July 25, 1980. It is asserted that under the transportation agreement, Applicant would transport gas for Sonat for a maximum term of 15 years not to expire later than January 1, 1996.

Applicant states that the gas to be transported is produced from fields currently under development and therefore the total gas volumes to be transported to Sonat are presently unknown. It is asserted that Applicant currently transports up to 150,000 Mcf per day for Sonat; however, Applicant expects these volumes to increase as additional development occurs.

It is stated that Sonat would deliver the gas to Applicant's system at delivery points in Pointe Coupee, East Baton Rouge, West Baton Rouge, Livingston and Feliciana Parishes, Louisiana. Applicant asserts that the gas would then be redelivered to Sonat at on-system redelivery points in Iberville Parish, Louisiana, and certain off-system alternate redelivery points and any other points agreed to by Applicant and Sonat. Applicant submits that it would provide prior notice to the Commission whenever new redelivery points are used.

Applicant proposes to charge Sonat a rate of \$0.20 per Mcf subject to provision for authorized escalation. It is stated that this rate is based upon the rate structure proposed in Applicant's filing in Docket No. ST80-336.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-22513 Filed 7-31-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-176-001]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Filing of Extension Report

July 14, 1981.

Take notice that on June 8, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. ST80-176-001 pursuant to Section 284.106(c) of the Commission's Regulations notice of its intention to extend its transportation of natural gas to National Fuel Gas Supply Corporation (Supply) for and on behalf of National Fuel Gas Distribution (Distribution) through June 30, 1982, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that on December 20, 1978, it commenced the transportation of natural gas to Supply for and on behalf of Distribution. Applicant further states that such service was extended to July 1, 1981. Applicant now proposes to extend such service further through June 30, 1982. It is stated that the parties would enter into a new contract providing for transportation through June 30, 1982, as the current contract expires on June 30, 1981.

Applicant asserts that it would receive the subject gas at a delivery point in Chataqua County, New York, and would deliver the gas to Supply at Applicant's Pekin Sales Meter Station located in Niagara County, New York.

Applicant submits that the rate charged for the transportation service would include a demand charge of \$0.31 per Mcf based on a maximum daily volume of 7,000 Mcf plus an added daily demand charge of 1.02 cents per Mcf for each Mcf in excess of the maximum daily volume transported on any day or days. It is stated that there would be a commodity charge of 4.22 cents per Mcf transported subject to a minimum volume charge based on 66% percent of the maximum daily volume times the number of days in the month. Moreover, Applicant asserts that in the event Supply does not purchase its full purchase entitlement from Applicant in Applicant's New York and Northern Rate Zones Distribution is subject to an added volume charge of 17.35 cents per Mcf and 9.31 cents per Mcf for each Mcf of natural gas not purchased from Applicant in such Rate Zones, respectively. Applicant avers that these rates are based on Applicant's system average transmission costs in Docket No. RP80-97. According to Applicant, a fuel and use volume equal to 1.32

percent of the volumes received for transportation would be retained by Applicant.

Any person desiring to be heard or to make any protest with reference to said Extension Report should on or before August 4, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-22514 Filed 7-31-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-397-000]

United Gas Pipe Line Co., Application

July 15, 1981.

Take notice that on June 29, 1981, United Gas Pipe Line Company, (Applicant), P.O. Box 1478, Houston, Texas, 77001, filed in Docket No. CP81-397-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a portion of pipeline and measuring facilities located in Cameron Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Application proposes to abandon 5.1 miles of 4-miles of 4-inch pipeline which begins at the Cameron Meadows-Holly Beach Field Site and extends toward the Town of Cameron in Cameron Parish, Louisiana.

Applicant contends that the subject facilities are no longer needed since Applicant provides natural gas to the Town of Cameron under a gas exchange arrangement with Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee). It is stated that the gas enters Applicant's system at a point of interconnection between Tennessee's 16-inch and Applicant's 4-inch crossover line and flows in a southeasterly direction into the Town of Cameron Border Station No. 1.

Applicant asserts that the abandonment would have no adverse impact on Applicant's existing system

and would be implemented without detriment to its customers. Applicant states that the subject facilities have been out of service since November 2, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-22515 Filed 7-31-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ST80-37-001]

Valero Interstate Transmission Co.; Filing of Extension Report

July 15, 1981.

Take notice that on June 9, 1981, Valero Interstate Transmission Company (Applicant), P.O. Box 1569, San Antonio, Texas 78296, filed in Docket No. ST80-37-001 pursuant to

Section 284.106(c) of the Commission's Regulations notice of its intention to extend its transportation service for Valero Transmission Company (Valero) for an additional two years, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

It is submitted that Applicant commenced two years of transportation of gas for Valero on September 8, 1979, pursuant to a transportation agreement. Applicant avers that under the agreement it transports gas from points located on its pipeline facilities in Hidalgo, Starr, Webb, and Jim Hogg Counties, Texas, to a point or points in Webb, Hidalgo, Jim Wells, and Kleberg Counties, Texas, for delivery to Valero. Furthermore, Applicant asserts that the service under the transportation agreement would continue for successive terms as permitted by the Regulations until terminated by the parties. Applicant estimates that the daily and total volumes of natural gas to be transported during the proposed two-year extension period would not exceed 100,000 Mcf and 72,000,000 Mcf, respectively.

Applicant asserts that the rate charged Valero for the transportation service would be identical to the rate charged in the original agreement as ordered by the Commission in Docket No. RP78-58 which is presently 4.85 cents per Mcf with annual escalations of 0.25 cents each August 3.

It is submitted that the contract under which the transportation service is rendered is subject to the provisions of Subpart B of Part 284 of the Commission's Regulations and is conditioned upon the availability of capacity sufficient to provide the service without detriment or disadvantage to Applicant's existing customers.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before August 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party in any hearing therein must file a petition to

intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-22518 Filed 7-31-81; 8:45 am]
BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59058; TSH-FRL-1898-3]

Epoxy Urethane Copolymer Test Marketing Exemption Application

July 28, 1981.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the *Federal Register*. This notice announces receipt of application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny these applications by August 31, 1981. Persons should submit written comments on the applications no later than August 18, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW, Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnet, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-206, 401 M Street, SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA (90 stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in

the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) or TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the *Federal Register* on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks or injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the *Federal Register*. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the *Federal Register* a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments on or before August 18, 1981.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the *Federal Register* of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764)

containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) *Federal Register* notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the *Federal Register* of May 15, 1979 (44 FR 285864) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before August 18, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M Street, SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59058]." Comments received may be seen in Rm. E-107 between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

TME 81-26

Close of Review Period. October 15, 1981.

Manufacturer's Identity. Celanese Plastics and Specialties Company, 28 Main Street, Chatham, NJ 07928.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Epoxy urethane copolymer.

Use. Claimed confidential business information. Generic use information provided: Industrial use as a component.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year		14,000
2d year	7,000	55,000
3d year	27,000	275,000

Physical/Chemical Properties

Percent non-volatile by weight—60.
Volatile component—Water.
Viscosity (Brookfield)—15,000 cps.
Appearance—Milky white.
Flashpoint—200°F.
Weight by gallon—9.1 lbs.
Weight per epoxide—540.
Free isocyanate—Not detectable with method sensitive to <.05%.
Solubility of polymer—Toluene—soluble; Water—soluble; Ketone—soluble; Glycol ethers—soluble.

Toxicity Data

The submitter states that based on molecular weight, volatility and solubility considerations, the polymer is expected to be significantly less toxic than the reactants.

Exposure

The manufacturer states that a maximum of 40 workers could have skin exposure 8 hr./day, 80 days/yr. during sampling, handling and cleanup operations. At a site not controlled by the submitter, workers will be exposed to the new chemical during transfer of the material and during filling and sealing of the product containers. During processing some of the new chemical may also enter worker airspace.

Environmental Release/Disposal

The submitter states that up to 10,000 kg./yr. (total sites) may be released to land.

Dated: July 27, 1981.

Denise F. Swink,
Acting Director for Management Support Division.

[FR Doc. 81-22469 Filed 8-3-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 81-422; File No. 22179-CD-P-80]

Airsignal of California, Inc.; Designating Application for Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: July 16, 1981.

Released: July 27, 1981.

By the Common Carrier Bureau.

In re Application of Airsignal of California, Inc.; for a Construction Permit To Establish Additional Facilities on the Frequency 454.075 MHz in the Domestic Public Land Mobile Radio Service at Stockton, California.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, is the above-referenced application of Airsignal of California, Inc. (Airsignal). Delta Mobile Radio Service, Inc. (Delta) has filed a "Petition of Denial". Responsive pleadings have been filed. Furthermore, our review of Airsignal's application has raised a question concerning whether Airsignal has demonstrated a need for an additional frequency. We find Airsignal to be otherwise qualified.

2. In its petition to deny, Delta maintained that Airsignal's application was in violation of Commission Rules

Section 22.100(a) for failing to demonstrate interference free operation with respect to Delta's existing co-channel facility at Mt. Vaca. Airsignal amended its application on April 28, 1981 by substituting frequency 454.075 MHz for frequency 454.300 MHz in accordance with Section 22.31(e)(2) of the Commission's Rules. The substitution will not create any new or increased conflicts, although Airsignal's co-channel station in Vallejo, California will receive an insignificant amount of interference. Airsignal's amended application also demonstrates that it will operate without causing any harmful electrical interference to any other carriers' co-channel facilities. Accordingly, we find that the Airsignal amendment has rendered Delta's Petition to Deny moot.

3. Airsignal has submitted a traffic loading study pursuant to Section 22.516 of the Rules in an attempt to demonstrate need for the additional two-way frequency it requests. However, Airsignal has not shown that it is holding any orders for additional units and the traffic loading study submitted by Airsignal does not demonstrate sufficient traffic to justify an additional frequency. The traffic loading study shows average peak hour usage of only approximately 35 minutes total for two channels. Furthermore, Airsignal's request for a waiver of § 22.516 of the Rules is denied for failure to show good cause. In essence, Airsignal by its waiver request seeks to have us disregard any need analysis derived from its traffic load study on the grounds that it has experienced an increase in subscribers since the traffic loading study was conducted. However, other than to make the claim that it is signing up many new subscribers at this time, Airsignal provided no additional loading information. As a result, we will designate an issue for hearing as to whether the applicant has demonstrated need for an additional frequency.

4. Accordingly, it is ordered, That the "Petition to Dismiss or Deny" of Delta Mobile Radio Service, Inc. is dismissed as moot, That the requested waiver of section 22.516 of the Commission's Rules by Airsignal of California, Inc. is denied, and That the above-referenced application of Airsignal of California, Inc., File No. 22179-CD-P-80, is designated for hearing, pursuant to Section 309(e) of the Communications Act of 1934, as amended, upon the following issue:

(a) To determine whether the applicant has demonstrated a sufficient public need for the proposed facility.

5. It is further ordered, That the hearing be held at a time and place and

before an Administrative Law Judge to be specified in a subsequent order.

6. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

7. It is further ordered, That the applicant may avail itself of an opportunity to be heard by filing with the Commission, pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

8. The Secretary shall cause a copy of this Order to be published in the Federal Register.

Sheldon M. Guttman,
Chief, Mobile Services Division, Common
Carrier Bureau.

[FR Doc. 81-22425 Filed 7-31-81; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Farmers Bank of the State of Delaware; Suspension of Trading

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Order.

DATES: Effective Midnight (E.S.T.) July 28, 1981 through Midnight July 29, 1981.

FOR FURTHER INFORMATION CONTACT: Patrick J. Moses, Supervising Financial Analyst, Registration and Disclosure Unit, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429 (202) 389-4651.

SUMMARY: It appearing to the Federal Deposit Insurance Corporation that the summary suspension of trading in the common stock of the Farmers Bank of the State of Delaware, Dover, Delaware being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

Therefore, pursuant to Sections 12(i) and 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended for the period beginning at Midnight (E.S.T.) on July 28, 1981 through Midnight July 29, 1981, unless earlier terminated.

By order of the Board of Directors, July 28, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 81-22407 Filed 7-31-81; 8:45 am]
BILLING CODE 6714-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-644-DR]

Kansas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Kansas (FEMA-644-DR), dated July 18, 1981, and related determinations.

DATED: July 18, 1981.

FOR FURTHER INFORMATION CONTACT:

Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7800.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148, effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency delegation of authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of July 18, 1981, the President declared a major disaster as follows:

The damage in certain areas of the State of Kansas resulting from severe storms, tornadoes and flooding beginning on or about June 14, 1981, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Kansas.

In order to provide Federal assistance to individuals and families, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. However, pursuant to Section 408(b) of Pub. L. 93-288, you are authorized to advance to the State its 25 percent share of the Individual and Family Grant program, to be repaid to the United States by the State when it is able to do so.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Joe D. Winkle of the

Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Kansas to have been affected adversely by this declared major disaster.

The following counties for Individual Assistance only:

Barton and Douglas
(Catalog of Federal Domestic Assistance No. 83-300, Disaster Assistance. Billing Code 6718-02)

James P. Dokken,

Acting Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 81-22468 Filed 7-31-81; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at the hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received

by the appropriate Federal Reserve Bank not later than August 27, 1981.

Federal Reserve Bank of Boston (Richard E. Randall, Vice President), 600 Atlantic Avenue, Boston, Massachusetts 02106: Old Stone Corporation, Providence, Rhode Island (insurance underwriting; California): to engage through its indirect subsidiary, Motor Life Insurance Company, in the underwriting, through reinsurance, of credit life and credit accident and health insurance directly related to extensions of credit. These activities would be conducted from an office in Jacksonville, Florida, serving the State of California. Comments on this application must be received not later than August 26, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York 10045: Citicorp, New York, New York (consumer finance and insurance activities; Nevada): to expand the service area of an existing office of its subsidiary, Citicorp Person-to-Person Mortgage Corporation, and engage the following previously approved activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Mortgage Corporation, to the extent permissible under applicable state insurance laws and regulations; the making of loans to individuals and businesses to finance the purchase of mobile homes, modular units or related manufactured housing, together with the real property to which such housing is or will be permanently affixed, such property being used as security for the loans; and the servicing, for any person, of loans and other extensions of credit. These activities will be conducted from an office located in Las Vegas, Nevada. The previously approved service area of the office, comprised of the entire State of Nevada for all the aforementioned activities except the sale of credit related property and casualty insurance, would be expanded to include the entire State of Nevada for that activity as well. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an

affiliate of Citicorp Person-to-Person Mortgage Corporation.

Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President), 701 East Byrd Street, Richmond, Virginia 23261: Southern Bancorporation, Inc., Greenville, South Carolina (consumer finance; Oklahoma): to engage, through its subsidiary, World Acceptance Corporation, in making extensions of credit as a licensed consumer finance lender. This activity would be conducted from an office in McAlester, Oklahoma, serving Pittsburg County, Oklahoma.

Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690: NBD Bancorp, Inc., Detroit, Michigan (investment advisory activities; Florida): to engage, through its subsidiary, NBD Financial Services of Florida, Inc., in investment advisory activities. These activities are conducted from an office in West Palm Beach, Florida. This notification is for an expansion of the geographic area served from within a 40-mile radius of West Palm Beach, Florida to the State of Florida. Comments on this application must be received not later than August 22, 1981.

Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Assistant Vice President), 925 Grand Avenue, Minneapolis, Minnesota 55480: Omaha National Corporation, Omaha, Nebraska (mortgage banking; Kansas): to engage through its subsidiary, Realbanc, Inc., in mortgage banking activities from an office in Wichita, Kansas. This application is to expand the geographic area served by a previously-approved office of Applicant to include the entire State of Kansas.

Other Federal Reserve Banks. None.

Board of Governors of the Federal Reserve System, July 28, 1981

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-22468 Filed 7-31-81; 8:45 am]

BILLING CODE 6210-01-M

First City Bancorporation of Texas, Inc.; Proposed Acquisition of Shares of Thompson Tuckman Andersen, Inc.

First City Bancorporation of Texas, Inc., Houston, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire 8 percent of the voting shares of Thompson Tuckman Andersen, Inc., Palo Alto, California, a company that

proposes to engage in the activities of providing certain investment adviser services to individuals. These activities would be performed from offices of the company in Palo Alto, California, and Houston, Texas, and the geographic area to be served is Houston, Texas. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 26, 1981.

Board of Governors of the Federal Reserve System, July 27, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-22464 Filed 7-31-81; 8:45 am]

BILLING CODE 6210-01-M

Celina Bancorp, Inc.; Acquisition of Bank

Celina Bancorp, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of, less directors' qualifying shares, The First State Bank, Celina, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 27, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-22436 Filed 7-31-81; 8:45 am]

BILLING CODE 6210-01-M

Mid-South Bancorp, Inc.; Formation of Bank Holding Company

Mid-South Bancorp, Inc., Franklin, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 99.3 percent of the voting shares of Simpson County Bank, Franklin, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 27, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-22439 Filed 7-31-81; 8:45 am]

BILLING CODE 6210-01-M

Red Oak Bancshares, Inc.; Formation of Bank Holding Company

Red Oak Bancshares, Inc., Red Oak, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Bank of Red Oak, Red Oak, Oklahoma. The factors that are considered in acting on the

application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 27, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-22437 Filed 7-31-81; 8:45 am]

BILLING CODE 6210-01-M

State Street Boston Corp.; Proposed Indirect Acquisition of Wornat Development Corporation and Wornat Insurance Agency, Inc.

State Street Boston Corporation, Boston, Massachusetts, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to indirectly acquire, through its acquisition of a 16.6 percent interest in Worcester Bancorp, Inc., interests in Wornat Development Corporation ("WDC") and Wornat Insurance Corporation ("WIC") both of Worcester, Massachusetts.

Applicant states that these companies are engaged in the following activities: mortgage banking by WDC and credit-related insurance activities by WIC. These activities would be performed from offices of WDC in Worcester and WIC (headquarters in Worcester) in various locations of Applicant's subsidiary banks in Massachusetts, and the geographic area to be served is the State of Massachusetts. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue

concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 26, 1981.

Board of Governors of the Federal Reserve System, July 27, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-22435 Filed 7-31-81 8:45 am]

BILLING CODE 6210-01-M

State Street Boston Corp.; Acquisition of Bank

State Street Boston Corporation, Boston, Massachusetts, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to acquire 16.6 percent of the outstanding voting shares of Worcester Bancorp., Inc., Worcester, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

State Street Boston Corporation, Boston, Massachusetts, is also engaged in the following nonbank activities: trust servicing and data processing servicing activities. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of

fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 27, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-22436 Filed 7-31-81 8:45 am]

BILLING CODE 6210-01-M

Tahoka First Bancorp, Inc.; Formation of Bank Holding Company

Tahoka First Bancorp, Inc., Tahoka, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank of Tahoka, Tahoka, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 27, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-22440 Filed 7-31-81 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Advisory Allergy and Infectious Disease Council; Allergy and Immunology Subcommittee; Microbiology and Infectious Diseases Subcommittee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Disease Council, National Institute of Allergy and Infectious Diseases, and its Subcommittees on September 24-25, 1981 at the National Institutes of Health, Building 31C,

Conference Room 6, Bethesda, Maryland 20205.

The meeting will be open to the public on September 24 from approximately 9:00 to 9:30 a.m., and from 12:30 p.m. to approximately 5:00 p.m. On September 25 the meeting will be open to the public from approximately 8:30 a.m. to 9:30 a.m. This will be to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463, the meetings of the NAAIDC Allergy and Immunology Subcommittee and of the NAAIDC Microbiology and Infectious Diseases Subcommittee will be closed to the public for approximately three hours for the review, evaluation, and discussion of individual grant applications. It is anticipated that this will occur from 9:30 a.m. until approximately 12:30 p.m. on September 24, 1981. The meeting of the full Council will be closed from approximately 9:30 a.m. until adjournment on September 25 for the review, evaluation, and discussion of individual grant applications.

These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-5717, will provide summaries of the meetings and rosters of the Council members as requested.

Dr. Luz A. Froehlich, Acting Director, Extramural Activities Program, NIAID, NIH, Westwood Building, Room 703, telephone (301) 496-7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: July 22, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-22444 Filed 7-31-81; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Child Health and Human Development Council; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, October 5-6, 1981, in Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on October 5 from 9:00 a.m. to 5:00 p.m. with current status reports, review of the Nutrition and Endocrinology Program, and scientific presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on October 6 from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Council Secretary, NICHD, Landow Building, Room 6C08, National Institutes of Health, Bethesda, Maryland 20205, Area Code 301, 496-1485, will provide a summary of the meeting and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.864, Population Research, and 13.865, Research for Mothers and Children, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "program not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: July 22, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-22445 Filed 7-31-81; 8:45 am]

BILLING CODE 4110-08-M

Population Research Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Population Research Committee, National Institutes of Child Health and Human Development, on November 12-13, 1981 in the Landow Building, Conference Room "A," 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on November 12 from 9:00 to 10:30 a.m. to discuss the program status, new developments and projections for population research centers, program projects and institutional fellowships. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6) and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 12 from 10:30 a.m. to adjournment on November 13 for the review, discussion and evaluation of individual grant applications.

The applications and the discussions could reveal confidential trade secrets, or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 6C-08, National Institutes of Health, Bethesda, Maryland, Area code 301, 496-1485, will provide a summary of the meeting and a roster of committee members. Dr. Dinesh C. Sharma, Executive Secretary of the Population Research Committee, NICHD, Landow Building, Room 6C-03, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1696, will furnish other information.

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

(Catalog of Federal Domestic Assistance Program No. 13.864, Population Research, National Institutes of Health)

Dated: July 22, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-22446 Filed 7-31-81; 8:45 am]

BILLING CODE 4110-08-M

Public Health Service

Health Maintenance Organizations; Health Central, Inc., Lansing, Michigan

AGENCY: Public Health Service, HHS.

ACTION: Notice, continued regulation of health maintenance organizations: reestablishment of compliance.

SUMMARY: On July 1, 1981, the Office of Health Maintenance Organizations (OHMO) notified Health Central, Inc., (HC), 2316 South Cedar Street, Lansing, Michigan 48910, a federally qualified health maintenance organization (HMO), that as of that date, HC had successfully reestablished compliance with its assurance to the secretary that it would maintain a fiscally sound operation.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph. D., Acting Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4108.

SUPPLEMENTARY INFORMATION: Under section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e-11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination, and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). Section 1312(b)(1) also provides that the Secretary shall publish in the *Federal Register* notices of determinations made under that section.

On August 1, 1979, HC was officially notified that it was not in compliance with the assurance it had given the Secretary that it would maintain a fiscally sound operation as required by section 1301(c)(1)(A) of the Act. This determination, a notice of which was published at 45 FR 50658 on July 30, 1980, did not affect HC's status as a federally qualified HMO. Subsequently, HC implemented successfully corrective action to bring it into compliance with its assurances. On July 1, 1981, HC was notified by OHMO that, as of that date, it had reestablished compliance with its assurance to the Secretary that it would maintain a fiscally sound operation.

Dated: July 23, 1981.

Frank H. Seubold,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-22448 Filed 7-31-81; 8:45 am]

BILLING CODE 4110-05-M

Health Maintenance Organizations; Qualified List**AGENCY:** Public Health Service, HHS.**ACTION:** Notice, June—qualified health maintenance organizations.**SUMMARY:** This notice sets forth the names, addresses, service areas, and dates of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs).**FOR FURTHER INFORMATION CONTACT:** Frank H. Seubold, Ph. D., Acting Director, Office of Health Maintenance Organizations, Park Building, Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.**SUPPLEMENTARY INFORMATION:** Regulations issued under Title XIII of the Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the *Federal Register*. The following entities have been determined to be qualified HMOs under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)):**Qualified Health Maintenance Organizations***Name, Address, Service Area and Date of Qualification*

(Preoperational Qualified Health Maintenance Organizations: 42 CFR 110.603(c))

1. Health Plan Hawaii, (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), P.O. Box 860, Honolulu, Hawaii 96808. Service area: The following islands in the State of Hawaii: Oahu, Hawaii, Maui, and Kauai. Date of qualification: June 1, 1981.

2. Community Health Care Association, Inc., dba Health Care Plus, (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), P.O. Box 1966, Wichita, Kansas 67201. Service area: Sedgwick County, Kansas. Date of qualification: June 3, 1981.

3. INA Healthplan of Florida, Inc., (Staff Model, see Section 1310(b)(1) of the Public Health Service Act), 205 S. Hoover, Tampa, Florida 33609. Service area: Hillsborough County, Florida. Date of qualification: June 17, 1981.

4. Herrick Alta Bates Services, (HEALS), (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health

Service Act), East Bay Park Building, 5901 Christie Avenue, Emeryville, California 94608. Service area: Alameda and Contra Costa Counties, California. Date of qualification: June 19, 1981.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:00 a.m. and 4:30 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health and Human Services, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualified HMOs should be sent to the same office.

Dated: July 23, 1981.

Frank H. Seubold,
Acting Director, Office of Health
Maintenance Organizations.

[FR Doc. 81-22346 Filed 7-31-81; 8:45 am]

BILLING CODE 4110-85-M

National Center for Health Care Technology; Notice of Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of psoralens in combination with long-wave ultraviolet light for the treatment of psoriasis.

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than November 2, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443-4990.

Dated: July 24, 1981.

John C. Burckhardt.

Acting Executive Secretary, Office of Health
Research, Statistics, and Technology.

[FR Doc. 81-22481 Filed 7-31-81; 8:45 am]

BILLING CODE 4110-85-M

Office of the Secretary**1981 Contribution and Benefit Base Under Pre-1977 Amendment Law****AGENCY:** Social Security Administration.**ACTION:** Notice of determination of the "Old-Law" social security contribution and benefit base.

SUMMARY: The Social Security Amendments of 1977 set the contribution and benefit base at \$25,900 for 1980 and \$29,700 for 1981. After 1981, the base will increase as average wage levels rise. The contribution and benefit base is the maximum annual amount of earnings that is subject to social security taxes and is creditable toward social security benefits. The 1977 amendments also provide for separate annual determinations of the contribution and benefit base that would have been in effect under old law (pre-1977 law). This "old-law" base is used only for certain purposes under the railroad retirement program and the Employee Retirement Income Security Act of 1974 (ERISA) and for computing special minimum social security benefits for workers with many years of low earnings. This notice specifies that the amount for 1981 under pre-1977 law is \$22,200.

FOR FURTHER INFORMATION CONTACT:

Harry Ballantyne, Office of the Actuary,
Social Security Administration, 6401
Security Boulevard, Baltimore,
Maryland 21235, telephone (301) 594-
2466.

SUPPLEMENTARY INFORMATION: The Social Security Amendments of 1977 (Public Law 95-216) changed the contribution and benefit base, which is the maximum annual amount of earnings on which social security taxes are paid and a person's social security benefits are figured. Section 230(c) of the Social Security Act specifies that the amount of this contribution and benefit base is \$29,700 for 1981. We published this information in the *Federal Register* on November 18, 1980 (45 FR 76252).

"Old-Law" Contribution and Benefit Base

The "old-Law" contribution and

benefit base is the base that would have been effective in each year after 1977 under the Social Security Act before the enactment of the 1977 amendments. This "old-law" base is used:

(1) For certain purposes under the railroad retirement program and the Employee Retirement Income Security Act of 1974 (ERISA); and

(2) To compute special minimum social security benefits for certain workers with many years of low earnings.

The base is computed under section 230 of the Social Security Act as it read prior to the 1977 amendments.

Computation

Under section 230 of the Social Security Act as in effect before the 1977 amendments, we would determine the contribution and benefit base for 1981, by multiplying the "old-law" 1980 base by the ratio of average wages reported for 1979, \$11,479.46, to average wages reported for 1978, \$10,556.03 or 1.087479. We previously explained in the Federal register how we computed these averages (45 FR 76252, November 18, 1980). Multiplying the "old-law" 1980 contribution and benefit base of \$20,400 by the above ratio results in the amount of \$22,184.57, which must be rounded to the nearest multiple of \$300. Therefore, we determine the "old-law" base for 1981 to be \$22,200.

Railroad Retirement Uses

The railroad retirement program will use the \$22,200 base to determine:

(1) Employer tax liability under section 3221, (a) of the Internal Revenue Code of 1954;

(2) The portion of the employee representative tax liability under section 3211(a) of the Internal Revenue Code of 1954 which results from the application of the 9.5 percent rate specified in that section; and

(3) Average monthly compensation under section 3(f) of the Railroad Retirement Act of 1974, but not annuity amounts determined under sections 3(a) or 3(f)(3) of that act.

These uses are stated in section 230(c) of the social Security Act.

Employee Retirement Income Security Act (ERISA) Use

Under section 230(d) of the Social Security Act, ERISA will use the 1981 "old-law" base of \$22,200 to determine the maximum pension benefit guaranteed by the Pension Benefit Guaranty Corporation for pension benefit plans terminating in 1981.

Social Security Use

Special minimum social security benefits are payable to workers with

many years of low earnings. If, in 1981, a worker's earnings amount to at least 25 percent of the "old-law" base of \$22,200, we will credit the worker with a "year of coverage" for 1981. Years of coverage are used to compute the special minimum benefit payable under section 215(a) of the Social Security Act.

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance; 57.001, Social Security Insurance for Railroad Workers)

Dated: July 27, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 81-22525 Filed 7-31-81; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that ODECO Oil & Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 073, Block 19, South Pelto Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of

Federal Regulations.

Dated: July 27, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-22440 Filed 7-31-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 1983, Block 94, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 27, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-22450 Filed 7-31-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Pennzoil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 2900, Block 261, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 27, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-22451 Filed 7-31-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[Serial Number: A 17000-D]

Arizona; Classification of Public Lands for State Indemnity Selection

1. The Arizona State Land Department has filed a petition for classification and application to acquire the lands described in paragraph 5 below, under the provisions of the Act of June 20, 1910 (36 Stat. 557), as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. This application has been assigned the serial number A 17000-D.

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. Those lands found suitable for transfer will be held to be classified 60 days

from date of publication of this notice in the Federal Register (October 2, 1981). Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and Section 7 of the Act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of Arizona may be obtained from the District Manager, Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 (602-241-2854).

4. On or before October 2, 1981, all persons who wish to submit comments on the above classification may present their views in writing for consideration to the Phoenix District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the District Manager if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this classification are located in Maricopa and Yavapai Counties, Arizona and are described as follows: (footnotes correspond to numbered authorized users or applicants listed in Paragraph 6).

Application A 17000-D

Gila and Salt River Meridian, Arizona

T. 4 N., R. 3 W.,

Sec. 6, Lots 1-5, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$; 5 9 27

Sec. 8, S $\frac{1}{2}$ NE $\frac{1}{4}$; 5 9 27

T. 4 N., R. 4 W.,

Sec. 1, Lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$; 5 9 10 18 27

Sec. 3, Lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$; 5 9 10 18 27

Sec. 4, Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$; 5 10 21 27

T. 5 N., R. 4 W.,

Sec. 1, Lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$; 5 10 15 20 25 27

Sec. 2, Lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$; 7 9 10

Sec. 11, All; 5 10 27

Sec. 12, All; 5 10 15 27

Sec. 13, All; 5 10 15 27

Sec. 14, All; 5 10 27

Sec. 23, All; 5 10 27

Sec. 24, All; 5 10 15 27

Sec. 26, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$; 5 10 19 27

Sec. 35, All; 5 10 18 27

T. 5 N., R. 3 W.,

Sec. 6, Lots 1-7, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$; 5 9 23 24 27

Sec. 7, Lots 1-4, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$; 5 9 27

Sec. 8, W $\frac{1}{2}$; 5 9 27

Sec. 17, N $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$; 5 9 27

Sec. 18, Lots 1-4, E $\frac{1}{2}$ W $\frac{1}{2}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$; 5 9 27

Sec. 19, SE $\frac{1}{4}$; 5 9 27

T. 6 N., R. 4 W.,

Sec. 12, W $\frac{1}{2}$ SE $\frac{1}{4}$; 5 9

Sec. 23, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$; 2 3 9 10 27

Sec. 25, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$; 5 9 27

Sec. 26, E $\frac{1}{2}$ W

Sec. 35, All; 5 9 10 14 27

T. 7 N., R. 4 W.,

Sec. 33, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$; 2 4 7 11 30 38

T. 8 N., R. 4 W.,

Sec. 13, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$; 6 12 22 23

Sec. 14, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$; 6 12 13 17 23

The total acreage described above in application A 17000-D is approximately 12,637.24 acres of public land.

6. The following listed corporations and individuals are holders of or applicants for leases, permits, withdrawals, and/or rights-of-way on the public lands described in Paragraph 5 above:

REFERENCES

Rights-of-Way

References

Rights-of-Way

¹ Maricopa County Highway Department, 3325 W. Durango Street, Phoenix, AZ 85009; AR-032157.

² Arizona Public Service, P.O. Box 21866, Station 3172, Phoenix, AZ 85036; AR-028481, AR-030457, AR-033173, AR-13531.

³ Mountain States Tel. & Tel., R/W Department, 3033 North 3rd Street, Room 806-A, Phoenix, AZ 85012; AR-034383.

⁴ Arizona Dept. of Transportation, 205 South 17th Avenue, Phoenix, AZ 85007; PHX-084146, AR-032173.

Withdrawals

⁵ Bureau of Reclamation, Lower Colorado Regional Office, P.O. Box 427, Boulder City, NV 89005; SO 7/25/1941, Wdl. Hassayampa Project.

⁶ Bureau of Reclamation, Lower Colorado Regional Office, P.O. Box 427, Boulder City, NV 89005; SO 3/27/1943, Wdl. Hassayampa Project.

⁷ Bureau of Reclamation, Lower Colorado Regional Office, P.O. Box 427, Boulder City, NV 89005; SO 4/7/1944, Wdl. Hassayampa Project.

⁸ Bureau of Reclamation, Lower Colorado Regional Office, P.O. Box 427, Boulder City, NV 89005; SO 7/3/1946, Wdl. Hassayampa Project.

Grazing Lessees

⁹ LeaVell Cattle of Arizona, Inc., Box 2096, Wickenburg, AZ 85358.

¹⁰ AZL Ranches, Inc., c/o Paul Ganz, P.O. Box 29008, Phoenix, AZ 85038.

¹¹ Sitgreaves Sheep Co., John W. Simpson, P.O. Box 764, Wickenburg, AZ 85358.

¹² Starcrest, Inc., c/o Stanleigh Megargee, P.O. Box 1237, Wickenburg, AZ 85358.

¹³ Robert K. & Elizabeth Park, P.O. Box 1108, Wickenburg, AZ 85358.

Range Improvements

¹⁴ Fence—#0110

¹⁵ Fence—#0406

¹⁶ Fence—#0499

¹⁷ Fence—#0671

¹⁸ Fence—#1524

¹⁹ Reservoir—#1528

²⁰ Reservoir—#1530

²¹ Fence—#1536

²² Reservoir, Pipeline, Trough, Corral—
#1760

²³ Reservoir, Corral—#4150

²⁴ Fence—#4151

²⁵ Fence—#4153

²⁶ Fence—#4174

²⁷ American Quazar Petroleum, 1700 Broadway, Suite 707, Denver, CO 80202; A-12786, A-12770, A-12774, A-12775, A-12776, A-12778, A-12779, A-12780, A-12783, A-12786, A-12787.

²⁸ Energy Reserves Group, Inc., P.O. Box 1407, Denver, CO 80201; A-15015.

²⁹ Vernon Taylor, III, 1670 Denver Club Building, Denver, CO 80202; A-15442

7. Rights-of-way granted by BLM will transfer with the land. Oil and gas leases will remain in effect under the terms and conditions of the lease. State law and Land Department procedures (R 12-5-154 D Administrative Rules and Regulations, Arizona State Land Department) provide for the offering to holders of BLM grazing permits the first right to lease lands that are transferred to the State. This constitutes official notice to grazing lessees that their Bureau of Land Management leases will be terminated in part upon transfer of the land to the State of Arizona.

Dated: July 23, 1981.

William K. Barker,
District Manager.

[FR Doc. 81-22464 Filed 7-31-81; 8:45 am]

BILLING CODE 4310-84-M

[CA-7481 WR]

California; Revocation of Small Tract Classification No. 249

July 23, 1981.

Pursuant to the authority delegated by Bureau Order No. 701 of July 23, 1964 (29 FR 10526), the following order classifying lands under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, which thereby segregated the lands from appropriation under all other public land laws, including location under the United States mining laws (30 U.S.C. Chap. 2), has been revoked:

California Small Tract Classification No. 249 of January 12, 1951, published in the Federal Register No. 16, No. 17 at page 694, January 12, 1951:

Mount Diablo Meridian, California

T. 11 N., R. 8 W.,

Sec. 22, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described contains 5 acres in Lake County, California.

The Small Tract Act of 1938 was repealed by Section 702 of Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2789); the classification therefore serves no useful purpose.

Effective at 10:00 a.m. on August 24, 1981, the mineral segregation imposed by the subject Classification order will terminate on the above described land as provided by 43 CFR 2461.5(c)(2). The lands remain classified for multiple use management, segregated from appropriation under the agricultural land laws as pertain to 43 U.S.C. Chap. 9, 25 U.S.C. Sec. 334. Passage of the Federal Land Policy and Management Act of October 21, 1976, repealed the agricultural land laws as pertain to 43 U.S.C. Chap. 7, and sales as pertain to 43 U.S.C. 1171 (see 2455 of the Revised Statutes).

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Room E-2841, Federal Building, 2800 Cottage Way, Sacramento, California 95825.

Walter F. Holmes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-22479 Filed 7-31-81; 8:45 am]

BILLING CODE 4310-84-M

Las Vegas District Multiple Use Advisory Council; Meeting

July 27, 1981.

The Las Vegas (NV) District Multiple Use Advisory Council will meet August 27, 1981, at 9 a.m. in the District Office Conference Room, 4765 W. Vegas Drive. The Council will review and comment on the Clark County Management Framework Plan, Step 2. This meeting is open to the public.

Kemp Conn,

District Manager.

[FR Doc. 81-22483 Filed 7-31-81; 8:45 am]

BILLING CODE 4310-84-M

[N-32251; N-32252]

Nevada; Proposed Withdrawal

On July 27, 1981 the Assistant Secretary, Land and Water Resources granted the Bureau of Land Management permission to file applications, Serial Nos. N-32251 and N-32252, for temporary withdrawal of the following described land from the operations of the mining laws and the public land laws, except public sale, but not the mineral leasing laws, subject to valid existing rights:

Mount Diablo Meridian

N-32251

T. 10 N., R. 43 E.,

Sec. 10, all;

Sec. 11, all.

The area described contains approximately 1280 acres of public land Nye County.

N-32252

T. 2 N., R. 43 E.,

Sec. 2, E $\frac{1}{2}$;

Sec. 11, E $\frac{1}{2}$;

Sec. 12, W $\frac{1}{2}$, SE $\frac{1}{4}$.

T. 3 N., R. 43 E.,

Sec. 35, S $\frac{1}{2}$, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains approximately 1514.47 acres of public land in Nye County.

The purpose of the temporary withdrawal is to aid the public sale program to accommodate continued orderly growth of the Towns of Tonopah and Round Mountain-Carvers. The proposed area for sale near Tonopah is located approximately five miles east of the town near the airport. The proposed area for sale near Round Mountain is located approximately three miles northwest of the town adjacent to State Highway 8A.

On or before September 2, 1981, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned office of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing in connection with the withdrawal is afforded. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address shown below on or before September 2, 1981. Upon determination by the State Director that a public hearing will be held, the time and place will be announced.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also review the application to insure that the area to be withdrawn is the minimum essential to meet the desired needs and to provide for the maximum utilization of the lands.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested. The determination of the Secretary on the application will be published in the Federal Register.

For a period of 2 years from the date of publication of this notice in the *Federal Register*, the lands will be segregated from location and entry as specified above unless the application is rejected or the withdrawal is approved prior to that date.

All communications in connection with this withdrawal should be addressed to the Bureau of Land Management, Department of the Interior, Nevada State Office, P.O. Box 12000, Reno, Nevada 89520.

Wm. J. Malencik, Chief,
Division of Technical Services.
July 27, 1981.

[FR Doc. 81-22462 Filed 7-31-81; 8:45 am]
BILLING CODE 4310-84-M

Proposed Mount Dome Off-Road Vehicle Use Designation

Proposed off-road vehicle use designations have been developed for the Mt. Dome Planning Unit in compliance with the authority in 43 CFR 8342.2, designation procedures and the Mt. Dome Planning Unit Management Framework Plan. The area contains approximately 42,000 acres of public lands in Siskiyou and Modoc Counties in northern California. Approximately 13,000 acres will be designated as "limited areas and trails" in order to protect sensitive cultural resource values. Within this area motor vehicle use will be limited to specified vehicle routes. The remainder of the public lands will be designated as "open" to off-road vehicle use.

Maps showing the designated areas are available at the Redding District Office, 355 Hemsted Drive Redding, California, 96002. Those vehicle routes within the limited areas which will be closed will be marked with appropriate signs.

The effective date of this designation will be August 22, 1981.

For further information, contact Jan Miller, Area Manager, (916) 246-5325.

Dated: July 23, 1981.

Stanley D. Butzer,
District Manager.

[FR Doc. 22460 Filed 7-31-81; 8:45 am]
BILLING CODE 4310-84-M

National Park Service

Urban Park and Recreation Recovery Program; Grant Round Cancellation

AGENCY: National Park Service, Interior.

ACTION: Notice of grant round cancellation for the Urban park and Recreation Recovery (UPARR) Program.

SUMMARY: This notice cancels the schedule for the FY 81 second grant round and FY 82 first grant round of the Urban Park and Recreation Recovery grant program.

FOR FURTHER INFORMATION CONTACT: Mr. Sam L. Hall, Chief, State, Local and Urban Programs Division, 440 G Street NW, Rm. 310, Washington, D.C. 20243 (202) 343-5971.

SUPPLEMENTARY INFORMATION: The UPARR FY 81 second grant round was tentatively scheduled for announcement in July. This second grant round was to give maximum emphasis to Innovation grants. The first grant round of FY 82 was tentatively scheduled for Fall, with emphasis on Rehabilitation grants ((46 FR 7084) January 22, 1981). However, due to the FY 1981 budget rescission, the UPARR Program will not have sufficient funds to hold another grant round this Summer.

Congress, in the Supplemental Rescission Act of 1981, rescinded 19 million dollars of previously appropriated UPARR funding. This left sufficient funds to cover only those grants awards announced in 1980. Remaining funds are not sufficient to hold another grant round at this time.

The UPARR Program will continue to administer all existing grant projects through completion, including Recovery Action Programs (RAPs), and will give technical assistance to communities for the delivery of quality recreation services.

(Catalog of Federal Domestic Assistance 15.417)

(Title X, National Parks and Recreation Act of 1978, Pub. L. 95-625, (16 U.S.C. 2501-2514))

Dated: July 27, 1981.

Russel E. Dickinson,
Director, National Park Service.

[FR Doc. 81-22509 Filed 7-31-81; 8:45am]
BILLING CODE 4310-70-M

Office of the Secretary

Privacy Act of 1974; Establishment and Modification of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of the Interior has under consideration the redesignation and modification of two notices describing records systems which it maintains, and the establishment of a new records system.

By notice published in the *Federal Register* on April 11, 1977 (42 FR 19014), the Department adopted system notices describing two records systems titled:

Audit Files and Workpapers (Interior, Office of the Secretary-1) and Investigative Records (Interior, Office of the Secretary-2).

The Department now proposes to redesignate and modify the two systems to reflect the organizational changes brought about by the establishment of the Office of Inspector General, redefine the categories of records in the systems, and provide better notice of disclosures that may be made outside of the Department. The systems notices also provide for changes in the storing and safeguarding of the files, retention periods based on GSA and GAO requirements, and the names of the systems managers to reflect the reorganization under the Inspector General Act. The systems notices, as modified, are published in their entirety below.

Except for the "Routine Use" portion of the systems notices, the proposed modification of these records systems will become effective immediately upon their publication in the *Federal Register*.

A new system of records titled Management Information-Interior, Office of Inspector General-3, is proposed for internal management use within the Office of Inspector General. The system notice for the new system of records is published below.

The Privacy Act requires that the public be given 30 days advance notice in which period to submit written comments. The Office of Management and Budget, which has oversight responsibilities under the Act, requires a 60 day period in which to review system changes before they are implemented.

Written comments on the new or modified routine uses or the proposed new system of records may be submitted to the Departmental Privacy Act Officer, Office of Information Resources Management, U.S. Department of the Interior, 18th & C Streets, N.W., Washington, D.C. 20240.

All comments must be received within 60 days of publication in the *Federal Register*. Copies of any comments received may be inspected in Room 7358 at the above address. Except as noted above, the foregoing proposals shall be effective without further notice unless comments are received which would result in a contrary determination.

Dated: July 23, 1981.

Joseph E. Doddridge, Jr.,
Acting Deputy Assistant Secretary of the Interior.

INTERIOR/OIG-1**SYSTEM NAME:**

Audit Files—INTERIOR, Office of Inspector General-1.

SYSTEM LOCATION:

Office of Inspector General, U.S. Department of the Interior, at the following locations: (1) 18th and C Sts., N.W., Washington, D.C. 20240; (2) Washington Audit Operations, Rm. 401, Ballston Towers #1, 800 N. Quincy St., Arlington, Va. 22217; (3) Contract and Grant Operations, Rm. 401, Ballston Towers #1, 800 N. Quincy St., Arlington, Va. 22217; (4) Central Region, Suite 510, 134 Union Blvd., Lakewood, Colorado 80228; (5) Central Region Suboffice, Rm. 326, Old Post Office Bldg., 123 4th St., S.W., Albuquerque, New Mexico 87102; (6) Western Region, Federal Office Bldg., Room W2400, 2800 Cottage Way, Sacramento, California 95825; (7) Western Region Suboffice, Rm. 202, 920 N.E. 7th Ave., Portland, Oregon 97232; (8) Audit site during course of an audit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are or have been subject to an audit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Audit reports and materials containing information such as interviews, earnings, employment history, costs, debts, performance, and other personal information; a list of individuals having records subpoenaed in connection with audits; and their subpoenaed records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, 5 U.S.C.A. app. I, sections 1-12.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are: to conduct, supervise, and coordinate audits and investigations relating to the programs and operations of the Department of the Interior and its past, present, and prospective contractors, grantees, lessees, licensees, and others having official business with the Department so as to promote economy, efficiency, and effectiveness in the administration of, and to prevent and detect fraud and abuse in, such programs and operations, and to keep management officials and the Congress informed about deficiencies in administration and the need for and progress of corrective action.

Disclosures outside of the Department may be made: (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) to a Member of Congress from the record of an individual in response to an inquiry made at the request of that individual; (3) to a federal, state, tribal, territorial or local government agency which has funds involved to alert that agency to deficiencies or problems found so the agency may take corrective action; (4) to federal, state, tribal, territorial, local, or foreign agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant, or other benefit; (5) to a federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (6) to a federal, state, tribal, territorial, or local government agency having partial or complete jurisdiction over the auditee or subject matter of the audit; (7) to appropriate federal, state, tribal, territorial, local, or foreign agencies responsible for investigating or prosecuting the violation of, or for enforcing, implementing, or administering a statute, rule, regulation, program, facility, order, lease, license, contract, grant, or other agreement; (8) to a federal, state, tribal, territorial, local, or foreign agency, or an organization, or an individual when reasonably necessary to obtain information or assistance relating to an audit, investigation, trial, hearing, preparation for trial or hearing, or any other authorized activity of the Office of Inspector General; (9) to an appropriate federal, state, tribal, territorial, local, or foreign court or grand jury in accordance with established constitutional, substantive, or procedural law or practice; (10) to an actual or potential party or his or her attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (11) to a foreign government pursuant to an international treaty, convention, or executive agreement entered into by the United States; and (12) to complainants for the purpose of notifying them of the progress and disposition of their complaints.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in binders, file folders, and electronic storage media.

RETRIEVABILITY:

Indexed by audit assignment number, the bureau, state, or tribe involved in the audit, and the audit report title, which may incorporate the name of an individual, where the contractor, lessee, etc., audited is an individual rather than an organization; the name of an individual subpoenaed; and, subpoena number.

SAFEGUARDS:

Those files and reports whose contents include items subject to the Privacy Act are in locked rooms; manual files, standard passworded files on automated data processing equipment and software are accessible to authorized persons only.

RETENTION AND DISPOSAL:

Audit reports and materials are retained for seven years and then destroyed; subpoena logs and subpoenaed records are destroyed or returned when no longer needed for agency use.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Auditing, Office of Inspector General, U.S. Department of the Interior, 18th and C Sts., N.W., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to the System Manager. (See 43 CFR 2.60 for details or inquiries.)

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individuals and from records about the individuals, and the Department's bureaus and offices.

INTERIOR/OIG-2

Investigative Records—Interior, Office of Inspector General—2

SYSTEM LOCATION:

Office of Inspector General, U.S. Department of the Interior, at the following locations: (1) 18th and C Sts., N.W., Washington, D.C. 20240; (2) Suite 510, 134 Union Blvd., Lakewood, Colorado 80228; (3) Investigative site during course of an investigation.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past, present, and prospective Departmental employees, contractors, subcontractors, grantees, subgrantees, lessees, licensees, and other persons doing official business with the Department, or having contact with the Department or geographical areas under its jurisdiction.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative reports and materials pertaining to allegations of fraud, waste, abuse, mismanagement, danger to public health or safety, violations of law, misconduct by employees, irregularities by contractors, grantees, etc., and irregularities involving the integrity of the policies and practices of the Department and real and personal property under its jurisdiction; a list of individuals having records subpoenaed in connection with investigations; and their subpoenaed records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) Inspector General Act of 1978, 5 U.S.C.A. app. 1, sections 1-12; (2) 5 U.S.C. 7301; (3) Executive Order No. 11222, 18 U.S.C. 201 note; (4) 18 U.S.C. 437, as amended by Pub. L. 96-277, 94 Stat. 544; (5) 30 U.S.C. 6; (6) 43 U.S.C. 11; (7) 43 U.S.C. 31; (8) 43 U.S.C. 1466; (9) Reorgan. Plan No. 3 of 1950, 64 Stat. 1262, as amended, 5 U.S.C. app.; (10) 43 CFR Part 20; (11) 25 CFR 11.304(n)(2)(ii); and (12) 355 and 356 DM.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are: (a) to conduct and report investigations of serious misconduct or irregularities, mismanagement, gross waste of funds, abuse of authority, danger to public health and safety, or violation of law, to insure compliance by Departmental employees, contractors, subcontractors, grantees, subgrantees, lessees, licensees and other persons doing business, or having contact, with the Department with federal statutes, regulations, policies, and procedures; and (b) to prevent and detect fraud and abuse, and to promote economy, efficiency, and effectiveness in the programs and operations of the Department of the Interior.

Disclosures outside of the Department may be made: (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) to a Member of Congress from the record of an individual in response to an inquiry made at the request of that individual; (3) to federal, state, tribal, territorial, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit; (4) to a federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (5) to appropriate federal, state, tribal, territorial, local, or foreign agencies responsible for investigating or prosecuting the violation of, or for enforcing, implementing, or administering the statute, rule, regulation, program, facility, order, lease, license, contract, grant, or other agreement; (6) to a federal, state, tribal, territorial, local, or foreign agency, or an organization, or an individual when reasonably necessary to obtain information or assistance relating to an audit, investigation, trial, hearing, preparation for trial or hearing, or any other authorized activity of the Office of Inspector General; (7) to an appropriate federal, state, tribal, territorial, local, or foreign court or grand jury in accordance with established constitutional, substantive, or procedural law or practice; (8) to an actual or potential party or his or her attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (9) to a foreign government pursuant to an international treaty, convention, or executive agreement entered into by the United States; and (10) to complainants for the purpose of notifying them of the progress and disposition of their complaints.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders and word processing equipment storage media.

RETRIEVABILITY:

Indexed by name and subpoena number.

SAFEGUARDS:

File folders and word processing equipment storage media are in locked rooms; manual files, standard passworded files automated data

processing equipment, and software are accessible to authorized persons only.

RETENTION AND DISPOSAL:

Reports of cases selected for their continuing historical value are retained for 20 years after they become inactive and then they are offered to the National Archives; reports on non-selected cases are destroyed 20 years after they become inactive; subpoena log and subpoenaed records are destroyed or returned when no longer needed for agency use.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations, Office of Inspector General, U.S. Department of the Interior, 18th & C Sts., N.W., Washington, D.C. 20240.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific authority provided by 5 U.S.C. 552(a)(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system from the provisions of 5 U.S.C. 552(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) and the portions of 43 CFR, Part 2, Subpart D which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

INTERIOR/OIG-3**SYSTEM NAME:**

Management Information—Interior, Office of Inspector General-3.

SYSTEM LOCATION:

Office of Inspector General, U.S. Department of the Interior, at the following locations: (1) 18th & C Sts., N.W., Washington, D.C. 20240; (2) Washington Audit Operations, Rm. 401, Ballston Towers #1, 800 N. Quincy St., Arlington, Va. 22217; (3) Contract and Grant Operations, Rm. 401, Ballston Towers #1, 800 N. Quincy St., Arlington, Va. 22217; (4) Central Region, Suite 510, 134 Union Blvd., Lakewood, Colorado 80228; (5) Western Region, Rm. W2400, Federal Office Bldg., 2800 Cottage Way, Sacramento, California 95825.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past, present, and prospective departmental employees, contractors, subcontractors, grantees, subgrantees, lessees, licensees, and other persons doing business with the Department, or having contact with the Department or geographical areas under its jurisdiction.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) OIG Employee Resources file will contain information regarding OIG employee assignments, distribution of time, training completed and performance; (b) audit Status file will contain status information on all audits from point of request or annual planning through follow-up and eventual closure; (c) Investigative Status file will contain status information on all investigations from point of receipt or acceptance of a case through closure; (d) audit and Investigations History file will contain the findings, recommendations and actions on all audits and investigations; (e) Audit Inventory file will contain a record of each auditable entity of the Department, including its contracts, grants, cooperative agreements, organizations, programs and functions; and (f) Freedom of Information Act and Privacy Act file will contain information relating to requests for access to OIG records and other kinds of requests under those Acts, and OIG action on such requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, 5 U.S.C.A. app. I, sections 1-12.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are: (a) Personnel information will be used by staff managers to determine training needs, quality of performance, and promotional eligibility; (b) assignment information and workload status information will be used by managers to control audits and investigations, and to maximize effectiveness of staff resources; (c) the Audit Status file will be used to track all audits from point of request or actual planning through follow-up and eventual closure; (d) the Investigation Status file will be used to track all investigations from point of receipt or acceptance through closure; (e) the Audit and Investigation History file will record the findings, recommendations, and actions on all audits and investigations and will serve to archive pertinent history of audits and investigation; (f) to conduct and report investigations of serious misconduct or irregularities, mismanagement, gross waste of funds, abuse of authority, danger to public health and safety, or violation of law, to ensure compliance by Departmental employees, contractors, subcontractors, grantees, subgrantees, lessees, licensees and other persons doing business with the Department with federal statutes, regulations, policies, and procedures; (g)

to develop audit reports which bring to the attention of management officials, the Congress, contractors, and grantees, etc., existing deficiencies and recommendations for correcting those deficiencies; (h) the Audit Inventory file will be used to forecast budget requirements for auditing each entity, review of contracts and grants for compliance and detection or prevention of fraud, waste and abuse, and to conduct trend analysis and review of expenditures; (i) the Freedom of Information Act and Privacy Act file will improve efficiency in responding to requests under those Acts; and (j) to prevent and detect fraud and abuse and to promote economy, efficiency, and effectiveness in the programs and operations of the Department of the Interior.

Disclosures outside of the department may be made: (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) to a Member of Congress from the record of an individual in response to an inquiry made at the request of that individual; (3) to a federal, state, tribal, territorial or local government agency which has funds involved to alert that agency to the deficiencies so that the agency may take corrective action; (4) to another federal, state, tribal, territorial or local government agency having partial or complete jurisdiction over the auditee or subject matter of the audit; (5) to appropriate federal, state, tribal, territorial, local, or foreign agencies responsible for investigating or prosecuting the violation of, or for enforcing, implementing, or administering a statute, rule, regulation, order, program, facility, lease, license, contract, grant, or other agreement; (6) to a federal, state, tribal, territorial, local, or foreign agency, or an organization, or an individual when reasonably necessary to obtain information or assistance relating to an audit, investigation, trial, hearing, preparation for trial or hearing, or any other authorized activity of the Office of Inspector General; (7) to federal, state, tribal, territorial, local, or foreign agencies where necessary to obtain information or assistance relating to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant, or other benefit; (8) to a federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (9) to an appropriate federal, state, tribal, territorial, local, or foreign court or grand jury in

accordance with established constitutional, substantive, or procedural law or practice; (10) to an actual or potential party or his or her attorney for the purpose of negotiation or discussion on such matter as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (11) to a foreign government pursuant to an international treaty, convention, or executive agreement entered into by the United States; (12) to complainants for the purpose of notifying them of the progress and disposition of their complaints; and (13) to persons requesting or submitting information under the Freedom of Information Act or Privacy Act from the file relating to such Acts in order to respond to their or similar requests or submissions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Password files on an automated data processing system.

RETRIEVABILITY:

Most files in the system are accessed by case number or report title (which may incorporate the name of an individual), but the Employee Resources Personnel file is accessed by social security account number; the Freedom of Information Act and Privacy Act file is accessed also by name of requester or submitter.

SAFEGUARDS:

Manual files are in locked rooms. Electronic files are protected by passwords accessible only to authorized persons. Computerized files will be safeguarded in accordance with 43 CFR 2.51(c).

RETENTION AND DISPOSAL:

General personnel information is destroyed when no longer needed for administrative use; the continuous update files are closed at the end of an audit or investigation and transferred to the Audit and Investigation History files for retention; the Audit Inventory, Audit and Investigation History, and Freedom of Information Act and Privacy Act files will be destroyed when no longer needed for agency use.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Administration, Office of Inspector General, U.S. Department of the Interior, 18th and C Sts., N.W., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to the System Manager as indicated above. (See 43 CFR 2.60 for details on inquiries.)

RECORD ACCESS PROCEDURE:

A request for access may be addressed to the System Manager. The request must be in writing and signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Departmental employees, departmental employment records, reports and notices, present and prospective contractors, subcontractors, grantees, subgrantees, lessees, licensees, and other persons doing official business with the Department, or having contact with the Department or geographical areas under its jurisdiction.

[FR Doc. 81-22494 Filed 7-31-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION**Motor Carriers; Finance Applications; Decision Notice**

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly Section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation

of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC-FC-79170. By decision of June 19, 1981 issued under 49 U.S.C. 10931 and the transfer rules at 49 C.F.R. 1132, Review Board Number 2 approved the transfer to L-K TRANSPORTATION SERVICES, INC. of South San Francisco, CA of Certificate of Registration No. MC-120601 (Sub-No. 3) issued December 21, 1977 to BCT TRANSPORTATION CO., INC. of San Francisco, CA evidencing a right to engage in transportation in interstate commerce corresponding in scope to Decision No. 87455 dated June 7, 1977 issued by The Public Utilities Commission of the State of California. Applicants' representative is: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111.

MC-FC-79200. By decision of June 16, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to FEEDER EXPRESS, INC. of Certificate of Registration No. MC-121418 (Sub-No. 1) issued November 13, 1978 to CRESCENT TRUCKING, INC. authorizing the transportation of general commodities, over irregular routes, anywhere within the Commonwealth of Massachusetts, corresponding in scope to Certificate No. 1142 issued December 8, 1976 by the Massachusetts Department of Public Utilities. Applicants' representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108.

MC-FC-79203. By decision of June 17, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to TRANSOL INC. of 81 St-Pierre St., Quebec, P.Q. of Permit No. MC-144992F issued to TRANSPORT MASKA INC. of Ste-Claire, Comte' Dorchester, P.Q. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, disc-

brakes, pullies, parts for disc-brakes and pullies, rotors, and cast iron machine finished products, from points in MI, to Detroit, Romulus, and Ypsilanti, MI, under contracts with Fonderie Maska Inc., and Pullies Maska Enr., of Ste. Claire, Dorchester County in the Province of Quebec, Canada.

Applicant's representative: Andre Noreau, 54 De Bresoles, Suite 2, Vieux-Montreal, Quebec, H 2Y 1V5. TA lease is not sought. Transferee is not a carrier.

MC-FC-79204. By decision of June 16, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to BROWN'S CREW CAR of Wyoming, Inc. of Permit No. MC-143194 (Sub-No. 2) issued March 19, 1981 to FRED H. SCHULTZ COMPANY authorizing the transportation operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *train crews and their baggage*, in special operations, between Lincoln, NE, and points in Kansas, Iowa and Missouri, those in South Dakota on and east of a line beginning at the North Dakota-South Dakota State line and extending over U.S. Hwy 85 to its junction with U.S. Hwy 385 and then south to the South Dakota-Nebraska State line, those in Nebraska on and east of U.S. Hwy 385, and those in Minnesota on and south of U.S. Hwy 12, under continuing contract(s) with Burlington Northern Inc., of St. Paul, MN. Applicant's representative: Clint Oldham, 623 S. Henderson St., Suite 200, Fort Worth, TX 76104.

MC-FC-79205. By decision of June 17, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to THEODORE R. KISTNER doing business as MERCHANT'S EXPRESS of Certificate No. MC-120973 (Sub-Nos. 1 and 2) issued December 21, 1965 and September 20, 1977 to Andre Lefebvre doing business as Merchant's Express authorizing the transportation of general commodities (a) over irregular routes from Portland and South Portland, ME to Biddeford, MS restricted to traffic originating at or destined to Portland, South Portland, Cosh Comer, Thurton Heights, Oak Hill, Scarboro Duston, Pine Point, Old Orchard, Saco and Biddeford and (b) over regular routes between Biddeford, ME and Springvale, MS serving all intermediate points and off-route points of Arundel and Lyman, MS. Applicant's representative is: Marcel R. Viger, Attorney-at-law, 174 Elm Street, P.O. Box 433, Biddeford, ME 04005.

MC-FC-79207. By decision of June 26, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to KENNETH BUCHANAN & MOLLY BUCHANAN d/b/a/ KENNETH & MOLLY BUCHANAN TRUCKING COMPANY of Glade Springs, VA of Certificate No. MC-150429F issued October 29, 1980, to SOUTH-EASTERN GUNITE SERVICES of Rocky Gap, VA authorizing the transportation over regular routes, of (1) *stone and stone products, stone mixed with cement and sand, and sealants*, in bags, from the facilities of Coal Industry Services Co., d/b/a/ CISCO at or near Pounding Mill, VA, to points in Georgia, Kentucky, Maryland, North Carolina, Pennsylvania, South Carolina, and Wyoming, and (2) *refractory materials*, from Augusta, GA, Hitchens, KY, and Claysburg and Curwensville, PA, to the facilities of Jewell Coal & Coke Co. at or near Vansant, VA. Condition: Applicant shall (1) conduct separately its for-hire carriage and other business operations, (2) maintain separate accounts and records for each operation, and (3) not transport property as both a private and for-hire carrier in the same vehicle at the same time. Applicant's representative is: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168.

Note.—The parties have stated that the certificate to be transferred erroneously authorized service to points in Wyoming, whereas West Virginia was requested. The parties may seek modification of that certificate in a separate proceeding.

MC-FC-79210. By decision of June 25, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to RUTH A. BOLISH of Certificate No. MC-115904 issued July 27, 1955 to ANTHONY T. BOLISH authorizing the transportation of (1) building block and lintels from Scranton, PA to points in Pennsylvania, New York, New Jersey, Delaware, Massachusetts, Connecticut, Maryland and the District of Columbia within 300 miles of Scranton and (2) slate and stone from West Nicholson, PA to points in Pennsylvania, New York, New Jersey, Delaware, Massachusetts, Connecticut, Maryland and the District of Columbia within 300 miles of Scranton, PA. Applicant's representative: Joseph A. Keating, Jr., Esq., 121 South Main Street, Taylor, PA 18517.

MC-FC-79211. By decision of June 25, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to IMFS, Inc. of Certificate No. MC-35628 and sub-numbers thereunder issued to INTERSTATE MOTOR

FREIGHT SYSTEM authorizing the transportation of general and specified commodities, between points in the United States. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603.

Notes.—(1) An application for temporary authority has not been filed. (2) Transferee is a non-carrier however is a wholly-owned subsidiary of transferor.

MC-FC-79212. By decision of June 17, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Benden Trucking Corp., of Yonkers, NY, of Certificate No. MC-87205 and all subs thereunder issued to Perkins Trucking Co., Inc., of Hicksville, NY, authorizing general commodities (usual exceptions) between named points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, and New Hampshire. Applicant's representatives: A. David Millner, Transferor, P.O. Box 1409, Fairfield, NJ 07006. Harold L. Reckson, Transferee, 33-38 Halsey Rd., Fair Lawn, NJ 07410. TA lease is sought. Transferee is not a carrier.

MC-FC-79213. By decision of June 24, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to JOHN DeGRAND & SON, INC., of West Haven, CT 06516 of Certificate No. MC-15100 issued September 10, 1940, to ARTHUR CHRISTAIN ELANDER, of Bridgeport, CT, and transferred to FRED J. ELANDER, JR., on December 13, 1965, authorizing the transportation of household goods between Bridgeport, CT, on the one hand, on the other, points in MA, RI, CT, NY, NJ, and PA. Applicant's representative is: William J. Meuser, 86 Cherry Street, P.O. Box 507, Milford, CT 06460.

MC-FC-79216. By decision of June 25, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to ROBERT SMALL and STANLEY SMALL, a partnership, d.b.a LONG ISLAND FILM DELIVERY, of Mineola, Long Island, NY 11501 of Certificate No. MC-126795 (Sub-No. 2) issued to MILTON SMALL and STANLEY SMALL, a partnership, d.b.a LONG ISLAND FILM DELIVERY of Mineola, Long Island, NY 11501 authorizing: IRREGULAR ROUTES: *Motion picture films, accessories, supplies, and advertising matter* used in connection with the operation and maintenance of theaters and places of motion-picture exhibition when moving to or from such theaters or places of exhibition, between Fort Lee, NJ, on the

one hand, and, on the other, points in Nassau and Suffolk Counties, NY. Applicant's representative: Milton Small, 43 Jericho Turnpike, Mineola, NY 11501. TA lease is not sought. Transferee is not a carrier.

MC-FC-79217. By decision of June 24, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to B.L. GILBERT d/b/a GILBERT TRUCKING CO. of Certificate No. MC-133095 (Sub-Nos. 111 and 200) issued to TEXAS CONTINENTAL EXPRESS, INC. (Debtor in Possession) authorizing the transportation of (1) *unfinished metal and brass nose cone projectile pieces*, from Naugatuck, CT, to Minneapolis, MN, Los Angeles, Ca, restricted to the transportation of shipments originating at the facilities of the Risdon Manufacturing Co., at Naugatuck, CT; (2) *tracing paper*, from Ennis, TX, to Waterbury, CT, and (3) *such commodities as are dealt in and used by manufacturers and distributors of alcoholic beverages* (except in bulk, in tank vehicles), between the facilities of Heublein, Inc. at or near Paducah, KY, on the one hand, and on the other, points in the United States (except AK and HI), restricted to traffic originating at or destined to the named facilities. Applicant's representative: Greg E. Summy, P.O. Box 1540, Edmund, OK 73034; and Marshall Kragen, 1919 Pennsylvania Ave., NW., Suite 300, Washington, DC 20006.

Notes.—(1) An application for temporary authority has not been filed. (2) Transferee is a motor common carrier. (3) This application was originally docketed No. MC-F-14641.

MC-FC-79219. By decision of June 25, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to A. H. MISSANT CO., INC., Detroit, Michigan of Permit No. MC-1176 and MC-1176 (Sub-No. 1) to F. J. McKELVEY TRUCKING CO., Detroit, Michigan authorizing the transportation of *paper, paper boxes, paper products, and packing materials, and materials, supplies and equipment* used in the manufacture of these commodities, over irregular routes, between Sandusky, Cleveland, and Dalphos, Ohio, on the one hand, and, on the other, Chicago, IL, points in Indiana, those in that part of Pennsylvania on and west of U.S. Highway 219, and that part of New York on and west of New York Highway 18, and those same commodities between Sandusky, OH. on the one hand, and, on the other, points in Michigan, on, south and east of Michigan Highway 20. Applicant's representative: Martin J. Leavitt, No. (313) 349-3980, 22375

Haggerty Road, P.O. Box 400, Northville, Michigan 48167.

MC-FC-79221. By decision of June 25, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to MIDWEST MOVING & PACKING, INC. of North Platte, NE, of Certificate No. MC-5227, issued to Eckley Trucking, Inc. of Mead, NE, authorizing the transportation of *household goods* as defined by the Commission, and *emigrant movables*, between points in NE, on the one hand, and, on the other, points in CO, KS and IA. Transferee holds no authority from the Commission and does not seek temporary authority under section 11349. Applicant's representative: Jack L. Schultz, P.O. Box 82028, Lincoln, NE 68501.

MC-FC-79222. By decision of June 24, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to MARION J. WEGLARZ d.b.a. WEG TOWING COMPANY of Certificate No. MC-117182 issued September 10, 1959 to WALTER OELZE d.b.a. OELZE GARAGE authorizing the transportation of *wrecked and disabled motor vehicles* (except house trailers) in truckaway service, between Summit, IL, on the one hand, and, on the other, points in IN, IA, MI, and WI. Applicant's representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603.

F.F.C. 79261. By decision of 6/19/81 issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR 1132, Review Board Number 3 approved the transfer to C-A TRANSPORTATION, INC. of Newport, MI, that portion of operating rights contained in Certificate No. MC-44300 (Sub-Nos. 12, 14, and 18) and a portion of operating rights contained in MC-44300 issued May 9, 1966, February 15, 1966, July 31, 1980, and June 29, 1951, respectively, to HESS CARTAGE COMPANY of Melvindale, MI, authorizing the transportation of (1) *steel tubes*, from South Lyon, MI, to Springdale and Blawnox, PA; (2) *steel and steel products*, between Ashland, KY, points in Michigan, Ohio, that part of West Virginia north of U.S. Highway 40, and that part of Pennsylvania west of U.S. Highway 19, including points on the indicated portions of the highways specified; (3) *heavy machinery*, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Ohio, and that part of Pennsylvania on and west of U.S. Highway 19; (4) *general commodities* (with the usual exceptions) between points in Hamilton County, OH, and

those in Campbell and Kenton Counties, KY, within ten miles of the Ohio River; (5) *dies and die parts, die checking fixtures, die models, hand jigs, tools, patterns and templates* when moving in connection with dies, between points in Michigan and Ohio, and those in Pennsylvania on or west of U.S. Highway 19; (6) *steel and steel products*, from the plant site of the Bethlehem Steel Corporation, located at Burns Harbor, Porter County, IN, to points in Michigan and Ohio (restricted to the transportation of shipments originating at, or destined to the named plant site); (7) *iron and steel articles, and related materials, equipment and supplies* between ports of entry on the international boundary line between the United States and Canada, at or near Sault Ste. Marie, MI, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, Wisconsin, and West Virginia. Applicant's representative is: John W. Bryant, 900 Guardian Building, Detroit, MI 48226.

Note.—Transferee is a non-carrier.

Temporary authority is sought by separate application.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-22507 Filed 7-31-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-215

Decided: July 27, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 3600 (Sub-11), filed July 13, 1981. Applicant: FRANK MARTZ COACH COMPANY, 239 Old River Rd., Wilkes-Barre, PA 18702. Representative: S.

Berne Smith, P.O. Box 1166, Harrisburg, PA 17108, (717)-232-8000. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 62601 (Sub-6), filed April 10, 1981. Applicant: ALBERT L. RING, ANDREW C. RING, BERNARD J. RING and RONALD J. RING (a partnership) d.b.a. FRANK RICHARD RING, P.O. Box 96, Neola, IA 51559. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114, (402) 397-9900. Transporting (1) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.; and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 157160, filed July 13, 1981. Applicant: INDIANHEAD TRANSPORTATION, INC., Suite 204, Stag Bldg., 1530 Dunwoody Village Parkway, Atlanta, GA 30338. Representative: John W. Greer III, 925 Healey Bldg., 57 Forsyth St., Atlanta, GA 30303, (404) 523-1601. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 157210, filed July 17, 1981. Applicant: TOM WILLMON, 710 South Kansas, Roswell, NM 88201. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, (817) 457-0804. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers*, and *other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-3-130

Decided: July 27, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 157124, filed July 13, 1981. Applicant: MARVYL CARTER d.b.a. MJC TRUCKING, 133 E. Franklin, Rockton, IL 61072. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers*, and *other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157134 (Sub-1), filed July 13, 1981. Applicant: SUPER CARRIER COMPANY, INC., 3250 South Pulaski Rd., Chicago, IL 60623. Representative: Albert A. Andrin, 180 North LaSalle St., Chicago, IL 60601, (312) 332-5106. Transporting for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 157135, filed July 14, 1981. Applicant: ALLIED RIGGERS, INC., 2901 E. Fourth Ave., Columbus, OH 43219. Representative: James S. Albers, 1620 E. Broad St., Columbus, OH 43203, (614) 253-0966. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 157165, filed July 16, 1981. Applicant: THE IRWIN BROWN COMPANY, a Corporation, 212 Chartres St., New Orleans, LA 70130. Representative: John T. Hyatt, (same address as applicant), (504) 586-0378. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 157184, filed July 17, 1981. Applicant: GREAT LAKES TRAFFIC CONSULTANTS, INC., 1000 Jefferson Rd., Rochester, NY 14624. Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102, Rockville, MD 20850, (301) 424-2420. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY-4-289

Decided: July 29, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 157246, filed July 17, 1981. Applicant: H & H SERVICE COMPANY, 1216 Katherine St., Cullman, AL 35055. Representative: S. A. Harrison (same

address as applicant), (205) 739-4020. As a broker of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-22500 Filed 7-31-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full

effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP-1-214

Decided: July 27, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 54200 (Sub-11), filed July 17, 1981. Applicant: SEIGLE'S EXPRESS, INC., Ft. of Pennsylvania Ave., South Kearny, NJ 07032. Representative: Ronald N. Cobert, 1730 M St., N.W., Suite 501, Washington, DC 20036. (202) 296-2900. Transporting *general commodities* (except classes A and B explosives) between points in (1) CT, DE, MA, MD, NJ, NY, PA, RI, VA, and DC, (2) FL, GA, and SC, (3) AR, LA, OK, and TX, (4) IL, IN, MI, and WI, (5) CO and NM, and (6) AZ and CA.

MC 56640 (Sub-57), filed July 16, 1981. Applicant: DELTA LINES, INC., P.O. Box 2081, Oakland, CA 94604. Representative: Kirk Wm. Horton, 333 Hagenberger Rd., Oakland, CA 94621. (415) 577-7000. Transporting *general commodities* (except classes A and B explosives), serving points in Del Norte County, CA, and Curry County, OR, as off-route points in connection with carrier's presently authorized regular-route operations.

MC 58851 (Sub-9), filed July 17, 1981. Applicant: RUDOLF EXPRESS CO., 1650 Armour Rd., Bourbonnais, IL 60914. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. (312) 236-9375. Transporting *general commodities* (except classes A and B explosives), between Omaha, NE, points in that part of KS on and east of Interstate Hwys. 35 and 70, that part of KY on and north of Interstate Hwy. 64, that part of MN on and east of Interstate Hwy. 35, that part

of WV on and north of Interstate Hwy. 70, CT, IL, IN, IA, MA, MI, MO, NJ, NY, OH, PA, RI and WI.

MC 82841 (Sub-322), filed July 13, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339-3003. Transporting *metal products*, between Panama City, FL, on the one hand, and, on the other, points in the U.S.

MC 92550 (Sub-9), filed July 16, 1981. Applicant: J. G. STROCK, d.b.a. SAFEWAY MOTOR FREIGHT, 846 Willard, N.E., Warren OH 44483. Representative: Helen M. Strock, (same address as applicant), (216) 372-5310. Transporting *steel wire* between points in the U.S., under continuing contract(s) with Brainard Rivet Co., of Girard, OH.

MC 113751 (Sub-49), filed July 17, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th & Columbia Sts., Waupaca, WI 54981. Representative: James A. Speigel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273-1003. Transporting *personal care products*, between Manitowoc, WI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK and TX.

MC 120761 (Sub-72), filed July 16, 1981. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Road, P.O. Box 18728, Fort Worth, TX 76118. Representative: Clint Oldham, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104, (817) 332-4415. Transporting *concrete products*, between Fort Worth and points in Austin County, TX, on the one hand, and, on the other, points in AR, LA and OK.

MC 121721 (Sub-2), filed July 20, 1981. Applicant: BILL RACKLEY TRUCKING, INC., 3333 So. Highway 99, Stockton, CA 95206. Representative: Raymond A. Greene, Jr., 100 Pine St., Suite 2550, San Francisco, CA 94111, (415) 986-1414. Transporting (1) *metal products*; (2) *machinery*; (3) *those commodities* which because of their size or weight require the use of special handling or equipment; (4) *building materials*; and (5) *mercer commodities*, between points in AZ, CA, CO, ID, MT, NV, NM, OK, OR, TX, UT, WA and WY.

MC 123061 (Sub-142), filed July 17, 1981. Applicant: LEATHAM BROTHERS INC., 46 Orange St., P.O. Box 16026, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 940 Donner Way #370, Salt Lake City, UT 84108, (801) 531-6031. Transporting *chemicals and related products*, between points in CA, CO, ID, MT, NV, OR, UT, WA, and WY.

MC 124880 (Sub-2), filed July 13, 1981. Applicant: SPRIGGS DISTRIBUTING COMPANY, 1322 S. Second St., Ironton, OH 45638. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464-4103. Transporting *food and related products*, between Ironton, OH, Huntington, WV, and Ashland, KY, on the one hand, and, on the other, those points in the U.S. in and east of TX, OK, KS, NE, SD, and ND.

MC 134900 (Sub-2), filed July 8, 1981. Applicant: NIATCO TRUCKING CORP., 145 Price Parkway, Farmingdale, NY 11735. Representative: Jerome G. Greenspan, 487 Bayview Ave., Cedarhurst, NY 11516, (516) 569-4062. Transporting *such commodities* as are dealt in or used by discount department stores and variety stores, between points in the U.S., under continuing contract(s) with F. W. Woolworth Co., of New York, NY.

MC 135231 (Sub-61), filed July 10, 1981. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1 Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-6889. Transporting *general commodities* (except classes A and B explosives), between the facilities of Modern Merchandising, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 135231 (Sub-62), filed July 10, 1981. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1 Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-6889. Transporting *machinery*, between Fargo, ND, on the one hand, and, on the other, points in the U.S.

MC 136540 (Sub-5), filed July 20, 1981. Applicant: REFINERS TRANSPORT SERVICE, INC., P.O. Box 742, Metairie, LA 70001. Representative: Harold R. Ainsworth, 2307 American Bank Bldg., New Orleans, LA 70130, (504) 522-7284. Transporting *paper and paper products*, between points in the U.S., under continuing contract(s) with Westvaco Corporation, of New Orleans, LA.

MC 138730 (Sub-9), filed July 20, 1981. Applicant: CARAVAN COACH LINES, INC., RD 3 Box 451, Wharton, NJ 07885. Representative: L. C. Major, Jr., Suite 400 Overlook Bldg., 6121 Lincoln Rd., Alexandria, VA 22312. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, between points in NJ on the one hand, and, on the other, points in the U.S.

MC 138861 (Sub-37), filed July 16, 1981. Applicant: C-LINE, INC., 303 Jefferson

Blvd., Warwick, RI 02888.

Representative: Ronald N. Cobert, 1730 M St., N.W., Suite 501, Washington, DC 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with T. H. Baylis Co., Inc., of Warwick, RI.

MC 142291 (Sub-7), filed July 16, 1981. Applicant: MID, INC., 6202 Concord Blvd. E., Inver Grove Hts, MN 55075. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118 (612) 457-6889. Transporting *alcoholic beverages*, between points in Blue Earth County, MN, on the one hand, and, on the other, points in the U.S.

MC 143110 (Sub-16), filed July 13, 1981. Applicant: K & B EXPRESS, INC., P.O. Box 801, Union, NJ 07083. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212 (213) 277-2323. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United Freight, Inc., of Morrow, GA, and Distributing Services of America, Inc., of Boston, MA.

MC 143250 (Sub-8), filed July 13, 1981. Applicant: WILDCAT CONSTRUCTION COMPANY, INC., P.O. Box 145, St. Albans Bay, VT 05481. Representative: Samuel L. Watts, TDS, Inc., 54 Middlesex Turnpike, Burlington, MA 01803 (617) 729-7479. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, ME, NH, NJ, NY, RI and VT, on the one hand, and, on the other, points in the U.S.

MC 143300 (Sub-9), filed July 2, 1981. Applicant: J. C. WOOLDRIDGE, INC., Route 7, Box 43, Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168 (703) 629-2818. Transporting *general commodities* (except classes A and B explosives), between points in MD, NC, SC, VA and DC.

MC 145240 (Sub-11), filed July 16, 1981. Applicant: L. D. BRINKMAN TRUCKING CORP., 520 N. Wildwood, Irving, TX 75060. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245 (214) 358-3341. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with New Orleans Cold Storage & Warehouse Company, Ltd., of Metairie, LA.

MC 145481 (Sub-23), filed July 14, 1981. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th Street,

Denver, CO 80202, (303) 892-6700.

Transporting *such commodities* as are dealt in by home furnishing, department and appliance stores, between points in the U.S.

MC 147851 (Sub-13), filed July 13, 1981. Applicant: KWESVA, INC., Route 10, Benson Valley Road, Frankfort, KY 40601. Representative: Herbert D. Liebman, P.O. Box 478, Frankfort, KY 40602, (1-502) 223-3493. Transporting (1) *containers, container accessories, glassware, and packaging products*, and (2) *scrap materials*, between points in KY, WV, IL, OH, IN, TN, MI, MO and KS.

MC 148051 (Sub-1), filed July 13, 1981. Applicant: FELTON PEARSON COMPANY, a corporation, 3458 Moreland Ave., Conley, GA 30027. Representative: John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404) 321-1765. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of automobile or truck body repair products, between points in the U.S.

MC 151481 (Sub-1), filed July 13, 1981. Applicant: GOBEL FREIGHT LINES, INC., 138 8th Ave. So., Onalaska, WI 54650. Representative: Edward H. Instenes, P.O. Box 676, 128 1/2 East Third St., Winona, MN 55987, (507) 454-3914. Transporting *malt beverages*, between Minneapolis, MN, on the one hand, and, on the other, Chicago, IL.

MC 155371, filed July 17, 1981. Applicant: JERRY L. ELLIS, d.b.a. JERRY L. ELLIS TRUCKING COMPANY, 505 Metcalf, Mansfield, TX 76063. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104, (817) 332-4415. Transporting *plastic articles*, between points in TX, on the one hand, and, on the other, points in the U.S.

MC 155990 (Sub-1), filed July 16, 1981. Applicant: KVAMME TRAVEL AGENCY, INC., 38 Foss Lane, P.O. Box 459, Moorhead, MN 56560. Representative: Gerry Lyons (same address as applicant), (218) 236-9606. As a *broker*, at Fargo, ND and Moorhead, MN, in arranging for the transportation of *passengers*, beginning and ending at points in Clay County, MN, and Cass County, ND, and extending to points in the U.S.

MC 156410, filed July 9, 1981. Applicant: LIQUID WASTE DISPOSAL CO., P.O. Box 3821, Seattle, WA 98124. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009, (206) 453-0312. Transporting *hazardous waste and residuals*, between points in King, Pierce and Snohomish Counties, Wa, on the one hand, and, on the other, points in

WA, OR, ID, NV, and UT. Condition: To the extent that the certificate in this proceeding authorizes the transportation of hazardous waste, it will expire 5 years from the date of issuance.

MC 156770, filed July 13, 1981. Applicant: L & M TRUCK & TRAILER COMPANY, INC., 3198 Moss St., Lafayette, LA 70507. Representative: Paul J. Guillot, 119 E. Main St., P.O. Box 3029, Lafayette, LA 70502, (318) 233-9030. Transporting *cooking oil*, between points in the U.S., under continuing contract(s) with Lou Ana Foods, Inc., of Opelousas, LA.

MC 156860 (Sub-1), filed July 16, 1981. Applicant: GREAT AMERICAN VAN & STORAGE, INC., 4607 Eisenhower Ave., Alexandria, VA 22304. Representative: Alan F. Wohlstetter, 1700 K St., Washington, DC 20006, (202)-833-8884. Transporting *used household goods*, between points in DE, MD, NC, VA, WV and DC.

MC 157200, filed July 17, 1981. Applicant: ALL-SEASON ENTERPRISES, INC., 769 Fifth Ave., Brooklyn, NY 11232. Representative: Brian S. Stern, North Springfield Professional Center II, 5411-D Backlick Rd., Springfield, VA 22151, (703) 941-8200. Transporting (1) *such commodities* as are dealt in or used by grocery stores and food business houses, hardware, discount and department stores, between the facilities of Clorox Company and its subsidiaries located at points in CT, DE, IN, KY, ME, MD, MA, MI, NH, NJ, OH, PA, RI, VT, VA, WV and DC; and (2) *such commodities* as are dealt in or used by manufacturers or distributors of (a) *paper and related products*, (b) *plastic products*, and (c) *containers and closures*, between points in, east and north of WI, IL, KY, IN, SC and NC.

Volume No. OPY-2-138

Decided: July 23, 1981.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 107912 (Sub-46), filed July 20, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Rd., Memphis, TN 38118. Representative: Tommie J. Perkins, Sr. (same address as applicant) (901) 795-4100. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, FL, GA, IL, IN, KY, LA, MI, MS, MO, OH, OK, TN, TX, and WI.

MC 117792 (Sub-10), filed July 17, 1981. Applicant: J. C. JACKSON, JR., d.b.a. FARM PRODUCTS CO., P.O. Box 189, East Prairie, MO 68345. Representative: A. J. Swanson, P.O. Box 1103, 226 North

Phillips Ave., Sioux Falls, SD 57101 (605) 335-1777. Transporting *food and related products*, between points in IA, IL, IN, MN, MO, and WI, on the one hand, and, on the other, points in AL, AR, LA, MS, TN, and TX.

MC 119502 (Sub-2), filed July 20, 1981. Applicant: UNITED TRANSPORT OF EAST LONGMEADOW, INC., 24 Lyndale St., Springfield, MA 01108. Representative: Erwin D. Hill, Jr. (same address as applicant) (413) 525-6665. Transporting *petroleum, natural gas and their products*, between points in MA, CT, RI, NH, and NH. Conditions: (1) To the extent any certificate issued in this proceeding authorizes the transportation of liquefied petroleum gases, it shall be limited to a period expiring 5 years from its date of issuance, and (2) the person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C 11343(a) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 119702 (Sub-85), filed July 16, 1981. Applicant: STAHLY CARTAGE CO., 119 South Main St., Edwardsville, IL 62025. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001 (202) 628-9243. Transporting *commodities in bulk*, between points in MN, WI, MI, NE, IA, IL, IN, OH, KS, MO, KY, TN, OK, AR, TX, and LA, on the one hand, and, on the other, points in the U.S.

MC 139563 (Sub-2), (Correction), filed June 16, 1981, published in the Federal Register issue of July 8, 1981, and republished, as corrected, this issue. Applicant: WEATHER BROS. TRANSFER CO. OF NORTH CAROLINA, INC., 106 Stockton Street, Jacksonville, FL 32204. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Transporting *household goods*, between points in VA, NC, and FL, on the one hand, and, on the other, points in AL, DE, GA, KY, LA, MS, ND, NJ, PA, SC, TN, TX, WV, VA, NC, FL, and DC. The purpose of this republication is to add three states of "VA, NC, and FL," that were inadvertently omitted in prior publication.

MC 142553 (Sub-1) (Correction), filed June 16, 1981, published in the Federal Register issue of July 8, 1981, and republished, as corrected, this issue. Applicant: OSBORNE TRUCKING COMPANY, 11001 Kenwood Rd., Cincinnati, OH 45242. Representative:

James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *general commodities* (except classes A and B explosives), between points in OH, on the one hand, and, on the other, points in IL, IN, KY, MI, PA, TN, and WV. The purpose of this republication is to add the states of "IN, KY, MI, PA, TN, and WV", that was inadvertently omitted.

MC 142792 (Sub-6), filed July 20, 1981. Applicant: TWO WAY TRUCKING, INC., P.O. Box 414, Valley, NE 68064. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392-1220. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Wilson Food Company, of Oklahoma City, OK.

MC 146782 (Sub-55), filed July 20, 1981. Applicant: ROBERTS CARRIER CORPORATION, 300 First Ave. South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., 315 Union St., Nashville, TN 37201, (615) 244-2926. Transporting *machinery*, between points in Guinnett County, GA, on the one hand, and, on the other, points in the U.S.

MC 147013 (Sub-8), filed July 14, 1981. Applicant: RDL, INC., P.O. Box 286, Gambrills, MD 21054. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, DC 20005, 202-296-3555. Transporting *general commodities*, between the facilities of Armstrong World Industries, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 148893 (Sub-7), filed July 14, 1981. Applicant: WREN TRUCKING, INC., 1989 Harlem Rd., Buffalo, NY 14212. Representative: James E. Brown, 36 Brunswick Rd., Depew, NY 14212. Transporting *transportation equipment and metal products*, between points in Erie County, NY, on the one hand, and, on the other, points in AR, CT, DE, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NC, NY, OH, OR, PA, RI, TN, TX, VT, VA, WA, WV, WI, and DC.

MC 156703, filed June 22, 1981. Applicant: PALLET DEVICES, INC., 1192 Oakwood Ave., Des Plaines, IL 60018. Representative: Elaine M. Conway, 10 South La Salle St., Suite 1600, Chicago, IL 60603. Transporting *such commodities* as are dealt in by hardware stores, between points in the U.S., under continuing contract(s) with General

Power Equipment Co., Wheeler Mfg. Co., and General Paint & Chemical Co., of Cary, IL, divisions of Cotter Co.

Volume No. OPY-5-115

Decided: July 24, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 5888 (Sub-63), filed July 13, 1981. Applicant: MID-AMERICAN LINES, INC., 127 West 10th St., Kansas City, MO 64105. Representative: Carl L. Steiner, 39 South La Salle St., Chicago, IL 60603, (312) 236-9375. Transporting *transportation equipment*, between points in Johnson County, KS, on the one hand, and, on the other, points in the U.S.

MC 31389 (Sub-329), filed July 13, 1981. Applicant: McLEAN TRUCKING COMPANY, P.O. Box 213, Winston-Salem, NC 27154. Representative: Daniel R. Simmons (same address as applicant), (919) 721-2433. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of games and toys, between points in the U.S., under continuing contract(s) with Mattel Toys of Hawthorne, CA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5, Room 6370.

MC 31879 (Sub-45), filed June 10, 1981. Applicant: EXHIBITORS FILM & DELIVERY SERVICE, INC., 101 West 10th Ave., North Kansas City, MO 64116. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, 901-767-5600. Transporting *wearing apparel*, between points in Boyle County, KY, Boone and Carroll Counties, AR, Weld, Adams, Denver, Jefferson, Douglas, El Paso, Fremont, Pueblo, Huerfano, Las Animas, Logan, Sedgwick, Phillips, Morgan, Washington, Yuma, Arapahoe, Elbert, Lincoln, Kit Carson, Cheyenne, Crowley, Kiowa, Otero, Prowers, and Baca Counties, CO, Laramie and Goshen Counties, WY, Bond, Calhoun, Christian, Clinton, Fayette, Greene, Jersey, Macon, Macoupin, Madison, Marion, Monroe, Montgomery, Morgan, Perry, Pike, Randolph, St. Clair, Sangamon, Scott, Shelby, and Washington, Counties, IL, and Bernalillo, Colfax, Curry, De Baca, Guadalupe, Harding, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval,

San Juan, San Miguel, Socorro, Taos, Torrance, Union, and Valencia Counties, NM, and points in IA, MO, KS, and NE.

MC 109238 (Sub-26), filed July 13, 1981. Applicant: DEHART MOTOR LINES, INC., P.O. Box 368, Conover, NC 28613. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, 703-629-2818. Transporting *general commodities* (except classes A and B explosives), (a) between points in NC, SC, TN, and VA; and (b) between points in NC, SC, TN, and VA, on the one hand, and, on the other, points in CT, DE, MA, ME, MD, NH, NJ, NY, PA, RI, and VT.

MC 109448 (Sub-36), filed July 14, 1981. Applicant: PARKER TRANSFER COMPANY, P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215 (614) 228-1541. Transporting *such commodities* as are dealt in or distributed by plumbing supply houses, between points in Lorain County, OH, on the one hand, and, on the other, points in the U.S.

MC 112908 (Sub-13), filed July 14, 1981. Applicant: KINGSWAY TRANSPORTS LIMITED, 123 Rexdale Blvd., Rexdale, Ont. CN M9W 1P3. Representative: John W. Bryant, 900 Guardian Bldg., Detroit, MI 48226; 313-963-3750. Transporting (1) machinery and (2) those commodities which because of their size or weight require the use of special handling or equipment, between ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in IL, IA, IN, MN, WI, PA, NJ, DE, MD, VA, WV, KY, MA, OH, MI, MO, and TN.

MC 118848 (Sub-28), filed July 13, 1981. Applicant: DOMENICO BUS SERVICE, INC., 71 New Hook Access Road, Bayonne, NJ 07002. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022 (212) 838-0600. Transporting *passengers and their baggage*, in special and charter operations, between New York, NY, on the one hand, and, on the other, points in Hudson County, NJ, under continuing contract(s) with Galaxy Towers Condominium Association, of Guttenberg, NJ.

MC 123389 (Sub-63), filed July 13, 1981. Applicant: CROUSE CARTAGE COMPANY, P.O. Box 151, Carroll, IA 51401. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102 (612) 227-7731. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 124979 (Sub-10), filed June 30, 1981. Applicant: CONRAD BERG, d.b.a. C. BERG COMPANY, Saginaw, MI

55779. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402 (612) 333-1341. Transporting (1) *metal products*, between points in St. Louis County, MN, on the one hand, and, on the other, points in MI and WI, and (2) *coal and coal products*, between points in St. Louis and Ashland Counties, WI, on the one hand, and, on the other, points in MI, MN, and WI.

MC 126869 (Sub-5), filed July 15, 1981. Applicant: M & W TRUCKING, INC., P.O. Box 58, Bowdon, GA 30108. Representative: Robert E. Born, Suite 508, 1447 Peachtree St., N.E., Atlanta, GA 30309 (404) 892-8020. Transporting (1) *rubber and plastic products*, and (2) *metal products*, between points in Carroll County, GA, on the one hand, and, on the other, points in the U.S.

MC 145149 (Sub-14), filed July 13, 1981. Applicant: MATADOR SERVICE, INC., P.O. Box 2256, Wichita, KS 67201. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110-L, Topeka, KS 66612 (913) 233-9629. Transporting *coke*, between points in AL, GA, MS, and TN.

MC 145779 (Sub-1), filed July 14, 1981. Applicant: OIL SERVICE COMPANY, INC., Rt. 3, Petty Lane, Columbia, TN 38401. Representative: Edward C. Blank, II, P.O. Box 1004, Columbia, TN 38401 (615) 388-3200. Transporting *toxic and hazardous waste materials*, between points in Morgan County, AL and St. Clair County, IL, on the one hand, and, on the other, points in AL, GA, IN, KY, MI, NC, OH, PA, and TN.

MC 146078 (Sub-48), filed July 13, 1981. Applicant: CALARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72140. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753; 501-846-2185. Transporting *rubber bands*, between points in Garland County, AR, on the one hand, and, on the other, points in AR, AZ, CA, IL, KY, LA, NM, NV, OK, OR, TX, and WV.

MC 146518 (Sub-15), filed July 10, 1981. Applicant: OWEN MOTOR FREIGHT LINE, INC., P.O. Box 7516, Alexandria, LA 71306. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Tower South, 3390 Peachtree Rd., N.E., Atlanta, GA 30326; 404-262-7855. Transporting *lumber and wood products*, between points in Rapides Parish LA on the one hand, and, on the other, points in the U.S.

MC 146758 (Sub-14), filed July 13, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main St., Albert Lea, MN 56007. Representative: Phillip H. Ladlie (same

address as applicant) 800-533-6038. Transporting *food and related products*, between points in Freeborn and Nobles Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 149378 (Sub-5), filed July 10, 1981. Applicant: KIRBY TRANSPORT, INC., 8023 E. Slauson, Montebello, CA 90640. Representative: A. Dayton Schell, 6 Eileen Way, Edison, NJ 08837 (201) 494-8765. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, hardware, discount and department stores, between points in the U.S., under continuing contract(s) with The Clorox Company, of Oakland, CA.

MC 150309 (Sub-1), filed July 13, 1981. Applicant: MIDWEST TRANSPORTATION, INC., 1501 East Lincolnway, Ames, IA 50010. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309 (515) 282-3525. Transporting *passengers and their baggage*, in round-trip special and charter operations, beginning and ending at points in Carroll, Dallas, Greene, Hamilton, Hardin and Webster Counties, IA, and extending to points in the U.S.

MC 150499 (Sub-6), filed July 13, 1981. Applicant: ENGELS TRUCK SERVICE, INC., R.R. 3 Box 58, Worthington, MN 56187. Representative: A. J. Swanson, P.O. Box 1103, 228 North Phillips Ave., Sioux Falls, SD 57101. Transporting *Food and related products*, between points in IA, MN, SD, NE, IL, IN, MI, OH, PA, MO, KS, WI, and TX, on the one hand, and, on the other, points in CA, WA, and OR.

MC 153418 (Sub-2), filed July 8, 1981. Applicant: DISTRIBUTION CONCEPTS, INC., P.O. Box 2081, Oakland, CA 94604. Representative: Kirk W. Horton, 333 Hegenberger Rd., Oakland, CA 94621 (415) 577-7040. Transporting (1) *such commodities* as are dealt in or used by a manufacturer of paper products, and (2) *printed matter*, between points in the U.S., under continuing contract(s) with Moore Business Forms, Inc., of Glenview, IL.

MC 154989 (Sub-2), filed July 9, 1981. Applicant: JAMES N. ALLEN, INC., 308 Leasure Way, New Bethlehem, PA 16242. Representative: Daniel R. Delaney, 1419 Oliver Bldg., Pittsburgh, PA 15222 (412) 281-8000. Transporting (1) *clay, concrete, glass or stone products*, between those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, and (2) *such commodities* as are dealt in by farm supply dealers between points in PA, on the one hand, and, on the other, points in IL, IA, KS, MD, MN, ND, OH, and SD.

MC 155658 (Sub-3), filed July 13, 1981. Applicant: D. F. SYSTEM, INC., 875 Providence Hwy. (P.O. Box 242), Dedham, MA 02026. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181 (617) 235-5571. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of juices and cocktail mixers, between points in the U.S., under continuing contract(s) with Jefferson Bottling Company, Inc., of Warwick, RI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5, Room 6370.

MC 155658 (Sub-4), filed July 16, 1981. Applicant: D. F. SYSTEM, INC., 875 Providence Hwy., P.O. Box 242, Dedham, MA 02026. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181 (617) 235-5571. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of cosmetics and beauty aids, between points in the U.S., under continuing contract(s) with Chesbrough Ponds, Inc., of Clinton, CT. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5, Room 6370.

MC 156079 (Sub-2), filed July 15, 1981. Applicant: CIRCLE "C" CARRIERS, INC., P.O. Box 6158, 3401 E. Roosevelt Rd., Little Rock, AR 72216. Representative: Sonny Curtner (same address as applicant) (501) 372-2014. Transporting *general commodities*, (except classes A and B explosives), between points in Cook County, IL, on the one hand, and, on the other, points in the U.S.

MC 157059 filed July 9, 1981. Applicant: KCK, INC., d.b.a. WHITE STAR TOURS, P.O. Box 553, Wildwood, NJ 08820. Representative: Michael J. Cammarano, 522 Court St., P.O. Box 877, Reading, PA 19603 (215) 376-7466. To operate as a *broker*, at Wildwood, NJ, and Reading, PA, arranging the transportation of *passengers and their baggage*, in the same vehicle with

passengers, in special and charter operations, beginning and ending at points in Berks County, PA, and extending to points in the U.S. Agatha L. Mergenovich, Secretary.

[FR Doc. 81-22506 Filed 7-31-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 87109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant

maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams, Williams not participating.

Agatha L. Mergenovich, Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume OPY-4-287

MC 60066 (Sub-31), filed June 19, 1981, previously noticed in the *Federal Register* of July 7, 1981. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul St., Omaha, NE 68102. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106 (402) 392-1220. Transporting *food and related products*, between Chicago, IL, on the one hand, and, on the other, Minneapolis, MN.

Note.—The purpose of this republication is to delete the facilities restriction.

MC 146526 (Sub-3), filed July 22, 1981. Applicant: D.T.D., INC., 301 College Hwy., Southwick, MA 01077. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103 (413) 781-8205. Transporting *prefabricated homes*, between points in CT, MA, ME, NH, NY, RI, and VT, on the one hand, and, on the other, points in the U.S.

MC 147676 (Sub-8), filed July 21, 1981. Applicant: KEATON TRUCK LINES, INC., 1000 So. Lelia St., P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington, (same address as applicant) (214) 793-3991. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Blue Ribbon Packing Co., of Houston, TX.

MC 147676 (Sub-9), filed July 22, 1981. Applicant: KEATON TRUCK LINES,

INC., 1000 So. Lelia St., P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington, (same address as applicant) (214) 793-3991. Transporting food and related products, between points in the U.S., under continuing contract(s) with Braunfel Meats, Inc., of Sealy, TX, Western Packing Co., Inc., of El Paso, TX, and Sta-Fresh Buns, Inc., of Chamblee, GA.

MC 150776 (Sub-6), filed July 20, 1981. Applicant: ALFRED DANIELS, INC., Rt. 1, P.O. Box 272-I, Jackson, OH 45640. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215 (614) 228-1541. Transporting rubber and plastic products, between points in the U.S., under continuing contract(s) with H.K. Porter Co., of Bellefontaine, OH.

MC 151706 (Sub-3), filed July 20, 1981. Applicant: JAN-AL SALES, INC., 5321 Southwyck Blvd., Toledo, OH 43614. Representative: Joseph E. Ludden, 2707 So. Ave., P.O. Box 1567, La Crosse, WI 54601 (608) 788-2000. Transporting general commodities (except classes A and B explosives), between points in MI and OH, on the one hand, and, on the other, points in the U.S.

MC 152136 (Sub-4), filed July 22, 1981. Applicant: DANE TRUCKING & CARTAGE COMPANY, P.O. Box 7506, Ft. Worth, TX 76111. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062 (214) 255-8279. Transporting general commodities (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kelly Springfield Tire Co., of Cumberland, MD.

Volume No. OPY-4-288

MC 133666 (Sub-33), filed July 17, 1981. Applicant: JACOBSON TRANSPORT, INC., 1112 Second Ave., So., Wheaton, MN 56296. Representative: Thomas J. Burke, Jr., 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264 (303) 861-4028. Transporting commodities in bulk, between points in MN, WI, MO, IA, NE, SD, ND, MT, WY, CO, UT, and ID.

MC 136996 (Sub-8), filed July 17, 1981. Applicant: IDEAL TRANSPORTATION COMPANY, 1623 W. Main St., Zanesville, OH 43701. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017 (614) 889-2531. Transporting general commodities (except classes A and B explosives), between points in Washington County, OH, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, MO, AR, and LA.

MC 150806 (Sub-4), filed July 20, 1981. Applicant: WECO, INC., 500 Scott St., P.O. Box 5128, Kansas City, KS 66119.

Representative: Erie W. Francis, 719 Capitol Federal Bldg., Topeka, KS 66603 (913) 232-0601. Transporting (1) foodstuffs, (2) buffing and polishing compounds, (3) soap, soap powders, cleaning, scouring and washing compounds, sizing, and starch, and (4) newspaper supplements, magazines, printed matter and catalogs, between points in the U.S.

MC 153516 (Sub-1), filed July 20, 1981. Applicant: INTERSTATE EXPRESS, INC., P.O. Box 37144, Millard, NE 68137. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521 (312) 629-2900. Transporting such commodities as are dealt in and used by food manufacturers and food business houses, (1) between Albert Lea, MN, Denver, CO, Cedar Rapids, Cherokee, Clarinda, and Des Moines, IA, Landover, MD, Louisville, KY, Logansport, IN, Monmouth, IL, Marshall, MO, Oklahoma City, OK, and Omaha, NE, on the one hand, and, on the other, points in the U.S., and (2) between Montgomery, AL, Ft. Smith, AR, Estherville, Humboldt, and Sioux City, IA, Chicago and E. St. Louis, IL, Arkansas City and Wichita, KS, Shreveport, LA, Worthington and Fairmont, MN, Cincinnati and Springdale, OH, Sioux Falls, SD, Amarillo, El Paso, and Lubbock, TX, and Memphis, TN, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WV, WI, and DC.

MC 156006, filed July 21, 1981. Applicant: ROBERT L. LAVER AND WILMA J. LAVER, d.b.a. LAVER TRUCKING, Rt. 1, LaHarpe, KS 66751. Representative: Eugene W. Hiatt, 207 Casson Bldg., 603 Topeka Blvd., Topeka, KS 66603 (913) 232-7263. Transporting (1) steel and steel products, and (2) pipe between points in KS, MO, OK, TX, CO, NE, AR, and WY.

MC 157226, filed July 20, 1981. Applicant: TONY GRILLO TRUCKING, INC., P.O. Box 423, Tonasket, WA 98855. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009 (206) 453-0312. Transporting (1) building materials and box shoo, between points in WA, OR, ID, and CA, (2) iron and steel articles, between points in WA, OR, ID, and MT, and (3)(a) dry fertilizer and soil conditioners, and (b) mine ores and concentrates, between points in WA, OR, and ID.

MC 157236, filed July 21, 1981. Applicant: CAPITAL CITY MOVING & STORAGE CO., INC., 312 Ross Rd., Tallahassee, FL 32301. Representative: Michael D. West, 3237 Majestic Prince

Trail, Tallahassee, FL 32308 (904) 893-1749. Transporting household goods between points in AL, FL, GA, LA, MS, NC, SC, and TN.

[FR Doc. 81-22503 Filed 7-31-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 132]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: July 29, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.
Agatha L. Mergenovich,
Secretary.

FF-376 (Sub-1)X, filed July 10, 1981. Applicant: AMERICAN DELIVERY SYSTEMS, INC., 300 E. 7 Mile Rd., Detroit, MI. Representative: Robert E. McFarland, 2855 Coolidge Ste 201A, Troy, MI. Applicant seeks to remove restrictions in its lead permit to (1) eliminate the restriction against service to Alaska and Hawaii; and (2) to remove the 500 pound per shipment weight restriction from one consignor to one consignee in a single day.

MC 2978 (Sub-20)X, filed July 20, 1981. Applicant: CLE-MAR CARTAGE, INC.,

R.R. 1, Cromwell, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from paper products, tubular paper or fiber containers, gummed tape, and machinery used or useful in the manufacture of paper products to (1) "pulp, paper and related products and (2) materials, equipment, and supplies used or useful in the manufacture of the commodities in (1)" and (2) broaden the territorial description to between points in the U.S. under continuing contract(s).

MC 28813 (Sub-24)X, filed July 15, 1981. Applicant: MOTOR EXPRESS, INC. OF INDIANA, 1440 West 34th Street, Chicago, IL 60608. Representative: Elliott Bunce, Rice, Carpenter and Carraway, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209. Applicant seeks to remove restrictions in its lead and Sub-Nos. 12, 14, 15, 16, 17, 19, 22, and 23 certificates to (1) broaden the commodity description general commodities (with exceptions) to "general commodities (except Classes A and B explosives)" in each certificate; (2) broaden the commodity description from steering wheels to "transportation equipment" in the lead (page 3); (3) authorize service at all intermediate points; and (4) replace the following off-route points and described routes with city or county-wide off-route point authority in connection with the carrier's regular routes in the above Sub-Nos. as follows: Speedway, IN, New Haven, IN, points within the Chicago, IL commercial zone, points within 5 miles of Fort Wayne, IN; points within ten miles of Toledo, OH; Layton Park, West Allis and West Milwaukee, WI, Aurora, Chicago Heights and Joliet, IL; points within 10 miles of (a) Cincinnati, and (b) Indianapolis; Portage, IN, and Seymour, IN, with Fort Wayne, IN, Chicago, IL, and points in Allen, Boone, Dearborn, Hamilton, Hancock, Hendricks, Jackson, Johnson, Madison, Marion, Morgan, Porter, and Shelby Counties, IN; Butler, Clermont, Fulton, Hamilton, Henry, Lucas, Ottawa, Sandusky, Warren, and Wood Counties, OH; Milwaukee County, WI; Cook, Du Page, Kane, and Will Counties, IL; Boone, Campbell, Jefferson, and Kenton Counties, KY; Davidson County, TN; and Lenawee and Monroe Counties, MI.

MC 61403 (Sub-298)X, filed July 20, 1981. Applicant: THE MASON & DIXON TANK LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, NY 10017. Applicant seeks to remove restrictions in its Sub-

Nos. 161, 165, 167, 168, 179, 230, 234, 239, 251, 253F, 256F, 266F, 272F, 273F, 275F, 277F, 284F, 287F, 290F and 295F to (A) broaden the commodity description to commodities, in bulk, (1) from chemicals, generally and named, with or without exceptions, in bulk, in tank vehicles, in Sub-Nos. 161, 165, 168, 179, 234, 239, 256F, 266F, 275F, 277F, 287F, 290F and 295F, including commodity exceptions in Sub-Nos. 161, 165, 234, 239 and 256F, (2) from chemicals and petroleum products, in bulk, in tank vehicles, in Sub-Nos. 272F and 273F, (3) from dry chemicals, in bulk, in Sub-No. 230, (4) from liquid agricultural pesticides, in bulk, in tank vehicles, in Sub-No. 251 and (5) from can coatings, latex, paints, and resins, in bulk, and materials, equipment and supplies used in the manufacture or distribution of same, in bulk, in tank vehicles, in Sub-No. 284; (B) broaden the territorial descriptions by replacing named plantsites and/or specific cities with county-wide authority Ascension, Assumption, East Baton Rouge, Iberville, Livingston, St. James and West Baton Rouge Parishes, LA, for Geismar, LA and points within 15 miles thereof, in Sub-No. 161, (2) St. Charles Parish, LA for facilities at Luling, LA in Sub-No. 165, (3) Calhoun County, AL for facilities at Anniston, AL in Sub-No. 167, (4) Tuscaloosa County, AL for facilities at Tuscaloosa, AL in Sub-No. 168, (5) Mechenburg County, NC, for facilities at Charlotte, NC in Sub-No. 179, (6) Albany County, NY, for Selkirk, NY in Sub-No. 230, (7) St. John the Baptist Parish, LA, for facilities at Garyville, LA in Sub-No. 234, (8) Fort Bend County, TX, for facilities at Sugar Land, TX in Sub-No. 239, (9) Woodford County, IL, for facilities at El Paso, IL in Sub-No. 251, (10) Jefferson, Montgomery and Travis Counties, TX, for facilities at Port Neches, Youens and Austin, TX in Sub-No. 253F, (11) Clayton County, GA, for Jonesboro, GA in Sub-No. 266F, (12) Calhoun County, TX, for facilities at North Seadrift, TX in Sub-No. 272F, (13) Cameron County, TX for facilities at Brownsville, TX in Sub-No. 273, (14) Kanawha County, WV, for facilities at Charleston WV in Sub-No. 277F, (15) Erie County, OH, and Dallas County, TX, for facilities at Huron, OH, and Carrollton, TX in Sub-No. 284F, (16) Drew County, AR, for facilities at Monticello, AR in Sub-No. 287F, (17) Calcasieu Parish, LA, for facilities at Lake Charles, LA in Sub-No. 290F, and (C) remove originating at or destined to restrictions in Sub-Nos. 161, 165, 167, 168, 179 and 253F; (D) remove the exception of AK and HI in Sub-Nos. 161, 165, 168, 179, 230, 234, 239, 251, 253F,

256F, 266F, 272F, 273F, 277F, 284F, 287F, 290F; (E) remove restrictions against specified commodities moving from or to named points in Sub-Nos. 165, 234, and 239; and (F) replace one-way with radial authority in Sub-Nos. 161, 165, 167, 168, 179, 230, 234, 239, 248, 251, 253F, 256F, 266F, 272F, 273F, 275F, 287F, and 295F.

MC 119349 (Sub-42)X, filed July 22, 1981. Applicant: STARLING TRANSPORT LINES, INC., 3620 U.S. 1 Federal Highway, Fort Pierce, FL 33450. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 29F and 37F certificates to (1) broaden the commodity description from bananas to "food and related products" in Sub-No. 29; (2) broaden Tampa, FL, to Hillsborough, Pinellas, and Pasco Counties, FL, in Sub-No. 29; (3) delete the exception of service to AK and HI, in Sub-No. 37; (4) delete the in bulk restriction in Sub-No. 37; (5) remove plantsite restriction in Sub-No. 37; and (6) authorize radial service between the above counties and points in FL, GA, TN, KY, OH, IN, IL, MI, WI, and MN, in Sub-No. 29.

MC 119741 (Sub-303)X, filed July 21, 1981. Applicant: GREEN FIELD TRANSPORT CO., INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 274F certificate to broaden the commodity description from vehicle body sealer compounds, cleaning compounds rust preventing compounds, roofing cement, adhesive cement and resin to "chemicals and related products," from petroleum oil, petroleum grease, and petroleum wax to "petroleum, natural gas and their products," and from surface coated papers, wrapping paper, gummed paper, and masking tape to "pulp, paper and related products."

MC 124170 (Sub-174)X, filed June 23, 1981, previously published in the Federal Register of July 7, 1981, republished as follows: Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-Nos. 59F, 60F and 73F certificates to (1) broaden the commodity descriptions to "chemicals and related products" from laboratory reagents and culture media; and to "food and related products" from poultry and poultry products, in Sub-Nos. 59F and 60F, (2) remove mechanically refrigerated vehicle

restrictions, in Sub-No. 60F, (3) eliminate tacking restrictions, in all Sub-Nos., (4) replace one-way authorities with radial authorities and (5) broaden the territorial description by substituting county-wide authority for city-wide authority as follows: Baltimore County and Baltimore, MD (for Cockeysville, MD) and Northumberland County, PA (for Paxinos, PA) and Lancaster County, PA (for Bird in Hand, PA). The purpose of this republication is to include Baltimore, MD in the territorial expansion of Cockeysville, MD.

Note.—Applicant's ability to tack authorities will governed by 49 CFR 1042.10(b).

MC 125844 (Sub-28)X, filed July 13, 1981. Applicant: BIO-MED-HU, INC., 1901 Outer Loop, Louisville, KY 40219. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restriction in its Sub-No. 23M1 certificate to (1) broaden the commodity description to "such commodities as are dealt in by hospital, clinics, nursing homes, laboratories, and medical, dental, paramedical, veterinary, pharmaceutical, or plasmapheresis facilities" from placenta, derivatives of blood, cells, tissues, organs, cellular secretions, tissue and cellular culture and media, interferon, enzymes, antiserum, immunosuppressants, immunovaccine, antigens and antibodies and materials, equipment and supplies used with the named commodities and (2) remove the AK and HI exceptions.

MC 127185 (Sub-10)X, filed July 13, 1981. Applicant: GATEWAY TRANSFER CO., 1319 Santa Rita Avenue, Laredo, TX 78040. Representative: James R. Boyd, 1000 Perry Brooks Building, Austin, TX 78701. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 5, 6, and 8F certificates to (1) remove all exceptions from the general commodity authority except classes A and B explosives, in the lead and Sub-Nos. 1 and 5; (2) eliminate named ports of entry and replace with ports of entry in TX in the lead and Sub-Nos. 1, 5, and 6; (3) replace cities with county-wide authority as follows: Laredo and points within 5 miles of Laredo and Webb County, TX, Eagle Pass with Maverick County, TX, and Port Isabel and Brownsville with Cameron County, TX, wherever they appear in above sub-numbers; and (4) remove the restriction limiting service to the transportation of traffic (a) originating in Mexico in Sub-No. 6F, and (b) having a prior or subsequent movement in foreign commerce, in Sub-No. 8F.

MC 134387 (Sub-89)X, filed July 6, 1981. Applicant: BLACKBURN TRUCK LINES, 4998 Branyon Avenue, South Gate, CA 92080. Representative: Warren N. Grossman, 707 Wilshire Blvd Suite 1800, Los Angeles, CA 90017. Applicant seeks to remove restrictions in its Sub-No. 64F certificate to (1) broaden part (1) of the commodity description from containers, container closures, container components, cullets, and glassware to "pulp, paper and related products, rubber and plastic products, clay, concrete, glass or stone products and metal products," and (2) remove the restrictions against the transportation of commodities in bulk, in tank vehicles, lumber and composition board, and rolled paper stock originating at points in TX.

MC 135524 (Sub-171)X, filed July 22, 1981. Applicant: G.F. TRUCKING COMPANY, P.O. Box 229, 1028 West Rayen Avenue, Youngstown OH 44501. Representative: George Fedorisin, 914 Salt Springs Rd., Youngstown, OH 44509. Applicant seeks to remove restrictions in its Sub-Nos. 49F, 63F, 90, 132, 149F, and 168 certificates to (1) broaden the commodity description from lumber and wood mouldings in Sub-No. 49F, and from lumber, lumber mill products and wood products (except in bulk) in Sub-No. 63F, to "lumber and wood products"; from iron and steel articles, and materials, equipment and supplies used in the manufacture and distribution of iron and steel articles to "metal products, and materials, equipment and supplies used in the manufacture and distribution of metal products" in Sub-No. 132; and from iron and steel articles to "metal products" in Sub-No. 149; (2) replace one-way with radial authority in Sub-Nos. 49F and 63F; (3) replace Milan, NM, with Valencia County, NM, in Sub-No. 49F, and McMurray, Library Junction, Library, Coverdale, and Brightwood, PA, with Allegheny and Washington Counties, PA, in Sub-No. 168; and (4) remove the exceptions of AK and HI in Sub-Nos. 90, 132, and 149F.

MC 135924 (Sub-3)X, filed July 14, 1981. Applicant: SIMONS TRUCKING CO., INC. 3851 River Road, Grand Rapids, MN 55744. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions from its Sub-Nos. 22F and 24F certificates to: (a) broaden the commodity descriptions from lumber, lumber products, lumber mill products, wood products and forest products to "lumber or wood products" in Sub-Nos. 22F and 24F; (b) eliminate the "origination at" restriction in Sub-No. 22F; (c) eliminate the "AK and HI" exceptions in Sub-No. 22F; and, (d)

replace existing one-way authority with radial authority in Sub-No. 22F, between the facilities of Potlatch Corporation in Minnesota, and, points in the U.S., and in Sub-No. 24F, between 13 states, and, points in SD, ND, IA, IL, and WI.

MC 136246 (Sub-49)X, filed July 20, 1981. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub. No. 37F certificate as follows: (A) broaden the commodity description in part (1) from grain storage and handling equipment, parts, and accessories, and metal buildings to "metal products, machinery, and grain storage and handling equipment, parts and accessories"; (B) broaden from citywide to countywide authority, from Grand Island to Hall County, NE; Webster City to Hamilton County, IA; Crawfordville to Montgomery County, IN and Greenville to Washington County, MS; and (C) remove restriction against service to AK and HI.

MC 138283 (Sub-18)X, filed July 21, 1981. Applicant: DANA TRUCKING CORPORATION, P.O. Box 6, Round Lake, MN 56167. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 10 permit to (1) broaden the commodity description from alcoholic beverages and wine and non-alcoholic beverages in mixed loads with alcoholic beverages and wine (except commodities in bulk) to "such commodities as are dealt in by distributors of alcoholic beverages" and (2) broaden the territorial description to between points in the U.S. under continuing contract (s) with named shippers.

MC 145429 (Sub-3)X, filed July 16, 1981. Applicant: MEL'S EXPRESS, LTD., 90 Disette Street, P.O. Box 479, Bradford, Ontario Canada L0G 1C0. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from beverages and citrus products to "food and related products" and (2) replace one-way authority with two-way authority between points in FL and points on the international boundaryline between The United States and Canada at points in NY & MI.

MC 146074 (Sub-6)X, filed July 15, 1981. Applicant: FORT TRANSFER, CO., 225 South Maple, Morton, IL 61550. Representative: Douglas G. Brown, 913 South Sixth Street, Springfield, IL 62703. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 3F certificates to

(1) broaden the commodity description to "chemicals and related products" from (a) liquid agricultural chemicals, in Sub-No. 2F, and (b) fertilizer and fertilizer ingredients, in Sub-No. 3F; (2) eliminate "in bulk" restriction, in Sub-No. 2F; and (3) authorize radial authority to replace existing one-way service between points in several midwestern States, in both certificates.

MC 146144 (Sub-2)X, filed July 16, 1981. Applicant: J. W. RIGGINS, P.O. Box 2504, Denver, CO 80201. Representative: Ronald R. Adams, 600 Hubbell Building, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-No 1F certificate to (1) broaden the commodity description to "metal products" from materials, equipment and supplies used in the manufacture and distribution of products manufactured by foundries (except commodities in bulk); (2) replace facilities with county-wide authority: (a) in part (1), Englewood, CO with Arapahoe, Denver, Jefferson and Douglas Counties, CO, (b) in part (2), Salt Lake City, UT with Salt Lake County, UT, and (c) in part (3) Englewood, CO with Arapahoe County, CO, Phoenix, AZ with Maricopa County, AZ, El Paso, TX with El Paso County, TX, Berkeley, CA with Alameda County, CA, Seattle, WA with King County, WA, and Spanish Fork, UT with Utah County, UT; and (3) authorize radial authority to replace existing one-way service in parts (1) and (2).

MC 147627 (Sub-6)X, filed July 20, 1981. Applicant: ROADRUNNER DELIVERY SERVICE, INC., BWI Airport, Box 8765, Baltimore, MD 21240. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Applicant seeks to remove restrictions in its Sub-No. 4F certificate to (1) remove all restrictions from the general commodities authority, except classes A and B explosives, and (2) remove the restriction "to traffic moving on freight forwarder Bills of Lading."

MC 149284 (Sub-4)X, filed July 14, 1981. Applicant: MARION D. DAY, d.b.a. DAY'S EXPRESS 1942 7th St., Columbus, IN. Representative: Stephen M. Gentry, 1502 Main St., Speedway, IN 46224. Applicant seeks to remove restrictions in its lead certificate to (1) replace one-way with radial authority; (2) expand the authority to serve named facilities at or near Columbus, IN to Bartholomew County, IN; and, (3) remove the restriction to traffic originating at the facilities.

MC 149387 (Sub-1)X, filed July 18, 1981. Applicant: DEAN BRENNAN TRANSPORT, INC., 2529 Highway 42, Manitowoc, WI 54220. Representative:

Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. Applicant seeks to remove restrictions in its lead MC-111844 permit to (1) broaden the commodity description from vinegar, in bulk, in tank vehicle to "food and related products" and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

[FR Doc. 81-22504 Filed 7-31-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We Find:

Each transaction is exempt from section 11343 (formerly Section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC-FC-79090. By decision of April 16, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Ovid Trucking, Inc., of Ovid, MI, of Permit No. MC-119439 issued (date) November 15, 1960 to Bernard W. Conklin, of Elsie, MI, authorizing the transportation of *condensed milk*, and *milk and cream* in mixed shipments with condensed milk, from Elsie and Ovid, MI, to points in Ohio (except points in Darke, Mercer, and Auglaize Counties, OH), under a continuing contract on contracts with Michigan Milk Producers Association of Detroit, MI. Applicant's representative is: William J. Birney, 325 N. Main St., Ovid, MI 48866; 517-834-5135.

MC-FC-79107. By decision of April 16, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to HLR Atlantic Pacific Express Corporation of Certificate No. MC-146735 (Sub-No. 3)F issued November 14, 1980 to R. J. Anderson, Inc. authorizing the transportation of *general commodities* (except commodities in bulk, those of unusual value, household goods as defined by the Commission, classes A and B explosives, and those requiring special equipment), between points in San Francisco, Alameda, Santa Clara, Marin, San Mateo, Solano, Sacramento, San Joaquin, Monterey, Fresno, Sonoma, Contra Costa, and Santa Cruz Counties, CA. Applicant's representative: William D. Taylor, Mandler, Baker, Greene & Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111.

MC-FC-79186. By decision of 6/1/81, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Part 1132, Review Board Number 3 approved the transfer to BARRY LEE GROFF & SON, INC. of York, PA, of Certificate No. MC-111023 issued to NORMAN W. WENGER & SONS, INC., of East Earl, PA., authorizing the transportation of (1) *pulverized agricultural limestone*, from points in Lancaster County, PA., to points other than incorporated municipalities in DE and MD, with no transportation for compensation on return except as otherwise authorized; (2) *pulverized agricultural limestone, in bulk, from Laurel, Sussex county, and Viola, Kent County, DE, to points in MD, with no transportation for compensation on return except as otherwise authorized;* (2) *fertilizer, in bulk, from points in New Castle County, DE, to points in Kent County, MD, and those in Berks, Bucks, Chester, Delaware, Lancaster, Montgomery and Philadelphia Counties,*

PA, with no transportation for compensation on return except as otherwise authorized; (4) *dry fertilizer, in bulk* (except pulverized agricultural limestone), from Wilmington, New Castle County, DE, to points in MD (except points in Kent County, MD), with no transportation for compensation on return except as otherwise authorized; from Laurel, Sussex County, and Dover, Kent County, DE, to points in MD, with no transportation for compensation on return except as otherwise authorized; (5) *fertilizer*, from Chesapeake, VA, to points in DE and MD east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal; (6) *manufactured fertilizers*, (except liquid fertilizer), from Chesapeake, VA, to Windsor, NC; (7) *manufactured fertilizers*, (except liquid fertilizer), from Baltimore, MD to points in that part of DE south of the Chesapeake and Delaware Canal, and points in Wicomico, Worcester and Somerset Counties, MD, and Accomack and Northampton Counties, VA; (8) *fertilizer*, from Dagsboro, Seaford, Bridgeville, Frankford, Milton, Harrington, Hartly, and Mt. Pleasant, DE, to points in Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Somerset, and Worcester Counties, MD, and Accomack and Northampton Counties, VA; (9) *stone*, from points in East Earl Township, Lancaster County, PA, to Bridgeton, NJ, and points in MD and DE, with no transportation for compensation on return except as otherwise authorized; (10) *sand*, from points on Cecil County, MD, to points in Lancaster County, PA, with no transportation for compensation on return except as otherwise authorized; (11) *limestone and limestone products*, from points in Lancaster County, PA to points in VA; and (12) *fertilizer*, from Chesapeake, VA, to points in Berks, Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia Counties, PA. Applicants' representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Lamp Hill, PA 17011.

MC-FC-79247, by decision of 7/7/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to H. S. D. TRUCKING, INC., of Edgerton, WI, of Certificate No. MC-145499 (Sub-Nos. 3 and 5) issued to R. M. S., INC. OF WISCONSIN, of Edgerton, WI, authorizing the transportation in MC-145499 (Sub-No. 3F), by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *truck semi-trailers* (except those designed to be drawn by

passenger automobiles) in initial movements, in truckaway service and (2) *used truck trailers, in secondary movements in truckaway service, and trailer parts and accessories* between Edgerton, WI, on the one hand, and, on the other, points in Iowa, Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, Ohio; and in MC-145499 (Sub-No. 5), by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: *new semi-trailers*, in driveaway service, from Elmhurst, IL, to Madison, WI. Applicants' representative: James A. Spiegel, 6425 Odana Road, Madison, WI 53719.

MC-FC-79248, By decision of 7/8/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to OLD DUTCH EXPRESS, INC., of Elmont, NY of Certificate No. MC-123424 (Sub-Nos. 1, 3, 5, and 9 thereunder) issued to POSA, INC., of Dix Hills, NY, authorizing the transportation, in interstate or foreign commerce as a motor carrier, over irregular routes, of (1) *scrap metals, iron castings, steel sheets, drums, rails, wire and rods*, between Newark, NJ, New York, NY, and points in New Jersey within ten miles of Newark, NJ, on the one hand, and, on the other, Albany and Binghamton, NY and points in that part of NJ, NY, PA and CT within 125 miles of Newark, NJ; (2) *scrap metals*, from New York, NY and points in the New York, NY Commercial Zone as defined by the Commission, to Marietta and Bellefonte, PA, with no transportation for compensation on return, except as otherwise authorized; (3) *general commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between New York, NY, on the one hand, and, on the other, points in Essex, Bergen, Passaic, Hudson, Union and Middlesex Counties, NJ; (4)(1) *malt beverages*, between Fulton (South Volney), NY, on the one hand, and, on the other, points in CT, NJ, and NY, and (b) *materials, equipment and supplies* used in the production, packaging and sale of malt beverages (except new metal cans and can ends, and except commodities in bulk), from points in CT, NJ, and NY to Fulton (South Volney), NY, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted against the transportation of glass containers from Wharton

Township, NJ, to Fulton (South Volney), NY, and (5) glass containers, between the facilities of Midland Glass Company, Inc. at Cliffwood, NJ, on the one hand, and, on the other, the facilities used by Midland Glass Company, Inc., at points in Onondaga County, NY. Applicant's representative: Bruce J. Robbins, Esq., 18 East 48th St., New York, NY 10017.

MC-FC-79249, By decision of 7/13/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to THOMAS A. KIRCHNER d.b.a NORRENBURNS TRUCK SERVICE, of Nashville, IL, of Certificate No. MC-77018 issued 12/7/77 to RALPH M. RENSING d.b.a NOIRRENBURNS TRUCK SERVICE, of Trenton, IL, authorizing the transportation of (1) *coal, agricultural commodities, and livestock*, from Albers IL to St. Louis, MO, serving intermediate and off-route points within 10 miles of Albers, and off-route points in St. Louis County, MO, (a) from Albers over IL Hwy 161 to Belleville, IL, then over IL Hwy 13 to East St. Louis, IL, and across the Mississippi River to St. Louis and (b) from Albers over IL Hwy 161 to Belleville, IL, then over IL Hwy. 15 to East St. Louis; and then across the Mississippi River to St. Louis; and (2) *general commodities* (usual exceptions) (a) from St. Louis, MO, to Albers, IL, serving the intermediate and off-route points of New Baden, Germantown, and Damiansville, IL, and those within 10 miles of Albers; and Off-route points in St. Louis County, MO, within the ST. Louis-East St. Louis Commercial Zone, and (b) from St. Louis over the specified routes to Albers. Applicants' representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701.

Notes.—(1) Transferee is a non-carrier. (2) An application for TA has not been filed.

MC-FC-79255, By decision of 7/13/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to C & L TRUCKING COMPANY, of Alameda, CA, of Certificate No. MC-126799 issued 7/15/69 to K & P TRUCKING CORPORATION, of Oakland, CA, authorizing the transportation of *general commodities*, except classes A and B explosives, uncrated household goods as defined by the Commission, and petroleum and petroleum products, in bulk, in tank vehicles, between points in the San Francisco, Alameda, Richmond, and Oakland, CA, Commercial Zones, as defined by the Commission. Restriction: The authority granted herein

is restricted to traffic having an immediately prior or immediately subsequent movement by water. Any repetition in the statement of the authority granted herein shall not be construed as conferring more than one operating right. Applicant's representative is: R. Frederic Fisher, Esquire, Lillick, McHose & Charles, 2 Embarcadero Center, San Francisco, CA 94111; (415) 421-4600. Transferee presently holds no authority from the Commission. Application for TA has not been filed.

MC-FC-79264. By decision of 7/13/81 issued under 49 U.S.C. 10928 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to STATE AUTO TRANSPORT, INC. of Atlanta, GA, of Certificate No. 41635 and all subs thereunder, issued to DEALERS TRANSPORT COMPANY, of Memphis, TN, authorizing the transportation of various motor vehicles between named points throughout the United States, and general commodities within Shelby County, TN. Applicant's representative: Ralph B. Matthews, Suite 1200, Atlanta Gaslight Tower, 235 Peachtree St., N.W., Atlanta, GA 30303. TA lease is not sought. Transferee is not a carrier.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 22501 Filed 7-31-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

Important Notice:

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA

application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-141

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Roston, MA 02114.

MC 145695 (Sub-1-4TA), filed July 22, 1981. Applicant: MAZCO SYSTEMS, Inc., 140 Grand Street, Carlstadt, NJ 07072. Representative: Roy A. Jacobs, Esq., 550 Mamaronck Avenue, Harrison, NY 10528. *Contract carrier:* irregular routes: *Printing supplies* between Carlstadt, NJ, on the one hand, and, on the other, points in the commercial zones of Los Angeles, CA; Miami, FL; Atlanta, GA; Chicago, IL; Detroit, MI; and Dallas and Houston, TX; and points in Johnson County, KS and Waukesha County, WI, under continuing contract(s) with Polychrome Corporation of Yonkers, NY. Supporting shipper: Polychrome Corporation, On the Hudson, Yonkers, NY 10702.

Republication

MC 150898 (Sub-1-8TA), filed May 27, 1981. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Avenue, Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier:* irregular routes: *Plastic board and accessories used in installation*, from Fallsington, PA to points in VA, DE, MD, DC, NJ, NY, CT, RI and MA, under continuing contract(s) with W. R. Grace and Co. of Cambridge, MA. Sole purpose is to change the State of MA (after DE) to MD on granted authority. Supporting shipper: W. R. Grace & Co., 62 Whittemore Avenue, Cambridge, MA 02140.

MC 119090 (Sub-1-2TA), filed July 22, 1981. Applicant: THRUWAY FREIGHT LINES, INC., P.O. Box 567, White Lake Road, Sparta, NJ 07871. Representative: Barry Finkle (same address as

applicant). *Glass containers and closures, commodities manufactured or distributed by manufacturers and distributors of glass containers when moving in mixed loads with Glass Containers, materials, equipment and supplies used in the manufacture and distribution of glass containers and closures* between points in CT, DE, MA, MD, ME, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC. Supporting shipper: Thatcher Glass Manufacturing Company, P.O. Box 265, Elmira, NY 14902.

MC 1934 (Sub-1-1TA), filed July 22, 1981. Applicant: THE ARROW LINE, INC., 105 Cherry Street, East Hartford, CT 06108. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Passengers and their baggage, in special operations*, originating at or destined to points in Hartford, Tolland, New Haven and Fairfield Counties, CT and extending to the site of Caesars Boardwalk Regency Hotel-Casino in Atlantic City, NJ. Supporting shipper(s): There are eight statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 118848 (Sub-1-2TA) filed July 22, 1981. Applicant: DOMENICO BUS SERVICE, INC., 71 New Hook Access Road, Bayonne, NJ 07002. Representative: Larsh B. Mewhinney, Esq., Moore, Berson Lifflander and Mewhinney, 555 Madison Avenue, New York, NY 10022. *Contract carrier:* irregular routes: *Passengers and their baggage*, between New York, NY and Hudson County, NJ, under continuing contract(s) with Galaxy Towers Condominium Association, E. Guttenberg, NJ. Supporting shipper: Galaxy Towers Condominium Association, 7000 Blvd. E., Guttenberg, NJ 07093.

C 157264 (Sub-1-1TA), filed July 22, 1981. Applicant: JAMES A. FARNHAM, SR., 53 West Street, Proctor, VT 05765. Representative: James A. Farnham (same address as applicant). *Contract carrier:* irregular routes: *Petroleum Products, in bulk* from Albany and Rensselaer, NY, Boston, MA and their commercial zone to points in Rutland, Bennington, Windham, Windsor, Chittenden and Addison Counties, VT, under continuing contract(s) with Midway Oil Corp., Rutland, VT and Rutland Fuel Co., Rutland, VT. Supporting shipper(s): Midway Oil Corp., 446½ West St., Rutland, VT 05701; Rutland Fuel Co., 156 Granger St., Rutland VT 05701.

MC 151004 (Sub-1-4TA), filed July 14, 1981. Applicant: WARNACO TRUCKING CORP., 350 Lafayette Street, Bridgeport, CT 06602. Representative: John F. Ryan (Same address as applicant). *Contract carrier: irregular routes: Surgical scissors, drugs and toilet preparations and all materials, equipment, and supplies used in the manufacture, sale and distribution of same between points in Wayne County, NC and Fairfield County, CT under continuing contract(s) with Acme United Corporation, Bridgeport, CT. Supporting shipper: Acme United Corporation, 100 Hicks Street, Bridgeport, CT.*

MC 145262 (Sub-1-1TA), filed July 15, 1981. Applicant: M. H. HEATON, INC., 92 Main Street, Salem, NH 03079. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067. *Motorcycles in crates; parts and accessories, when transported with the original units, in crates in specially designed trailers; between all points and places in the State of NJ as well as points and places in Albany County, NY to points and places in the States of ME, MA, NH and VT. Supporting shipper(s): Monadnock Cycle Center, Inc., d.b.a. Granite State Suzuki; Super Sports Cycle Corp., d.b.a. Granite State Honda, 546 Amherst St., Nashua, NH 03063.*

MC 155423 (Sub-1-2TA), filed July 15, 1981. Applicant: MALAMUTE NATIONAL LINES, INC., 1 East 42nd Street, New York, NY 10017. Representative: Harold Sacks, P.C., 19 West 44th Street, New York, NY 10036. *Contract carrier: irregular routes: Passengers and their baggage between Ocean County, NY and the New York Port Authority Terminal, New York, NY, under continuing contract(s) with L.H.R. Association, Ortley Beach, NJ. Supporting shipper: L.H.R. Association, 441 Coolidge Avenue, Ortley Beach, NJ.*

MC 147915 (Sub-1-3TA), filed July 15, 1981. Applicant: RUSSO MOTOR EXPRESS, INC., Keim Boulevard and Bridge Plaza, Commerce Square, Burlington, NJ 08016. Representative: Robert Roland Harris, 1730 M Street NW., Washington, D.C. 20036. *Beverages and related commodities (except commodities in bulk) between Scotia, NY, on the one hand, and, on the other, points in CT, DE, DC, MA, MD, NJ, NH, NY, PA, RI, VA and VT. Supporting shipper: Bev-Pak, Inc., 701 Patent Parkway, Scotia, NY 12302.*

MC 157163 (Sub-1-1TA), filed July 15, 1981. Applicant: FLIGHT LINE, INC., 4 North Main Street, Salem, NH 03097. Representative: John R. Bryden, 125 Main Street, Andover, MA 01810. *Passengers and their baggage in charter and special operations between points*

in the counties of Hillsborough and Rockingham, NH and Logan Airport, Boston, MA. Supporting shipper(s): House of Travel, 174 No. Broadway, Salem, NH 03079; Great Adventures Travel, Inc., 528 South Broadway, Salem, NH 03079; Prestige Travel, Inc., 540 So. Broadway, Salem, NH 03079; Travel Anywhere of Andover, Inc., Eln Square—Musgrove Bldg. Andover, MA 01810; Rite Way Travel, Methuen Mall, Methuen, MA 01840.

MC 157175 (Sub-1-1TA), filed July 16, 1981. Applicant: PATROIT TRUCKING, INC., 11231 Bullis Road, Marilla, NY 14102. Representative: Cosgrove & Snyder, 3976 Seneca Street, West Seneca, NY 14224. *Finished and unfinished iron and steel bars from Buffalo, NY to points in NY, NJ, PA, IN, MD, OH, IL, WI, MA, RI, NH, CT, MI, KY, GA, AR, MN, NC, SC, VA, TN, TX, OK. Supporting shipper: Ramco-Fitzsimmons Steel, Inc., 110 Hopkins Street, Buffalo, NY 14220.*

MC 7840 (Sub-1-7TA), filed July 16, 1981. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, NY 13601. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, DC 20001. *Pulp, paper and related products between points in King William County, VA, on the one hand, and, on the other, points in IL, MI, IN, OH, WV, MD, DE, PA, NJ, NY, CT, RI, MA, VT, NH and ME. Supporting shipper: Chesapeake Corp. of Virginia, P. O. Box 311, West Point, VA 23181.*

MC 145679 (Sub-1-6TA), filed July 16, 1981. Applicant: A & A TRANSPORT, INC., P.O. Box 569, Maple Tree Industrial Park, Palmer, MA 01069. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Road, Omaha, NE 68114. *Food and related products, from Friona and Plainview, TX; Wichita and Dodge City, KS; and Rockport, MO to points in the U.S. Supporting shipper: MBPXL, Inc., P. O. Box 2519, Wichita, KS 67201.*

MC 120199 (Sub-1-1TA), filed July 16, 1981. Applicant: H & L MOTOR TRUCKING SERVICE, INC., 134 Railroad Street, Revere, MA 02151. Representative: Hughan R. H. Smith, 28 Kenwood Place, Lawrence, MA 01841. *General commodities, except classes A & B explosives, hazardous materials, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between all points in MA, RI and NH. Supporting shipper(s): Gray Sales Company, 17 Ivaloo Street, Somerville, MA 02143; Yale Electric Sales, 98 Canal Street, Boston, MA 02114.*

MC 151610 (Sub-1-2TA), filed July 16, 1981. Applicant: BUCKLEY O. CARPENTER AND THOMAS C. CARPENTER, d.b.a. B. CARPENTER & SON, 368 Webb Circle, Monroe, CT 06468. Representative: Mr. Rick Testani, Bridgeport Machines Div. of Textron, Inc., 500 Lindley St., Bridgeport, CT 06606. *Contact carrier: irregular routes: Manufacturing machinery and related parts between points in the U.S. but mainly between Bridgeport, CT and Charlotte, NC; Bridgeport CT and Atlanta, GA; and Bridgeport, CT and Orlando, FL, under continuing contract(s) with Bridgeport Machines, Div. of Textron, Inc., Bridgeport, CT. Supporting shipper: Bridgeport Machines, Div. of Textron, Inc., 500 Lindley St., Bridgeport, CT 06606.*

MC 145914 (Sub-1-11TA), filed July 16, 1981. Applicant: COASTAL TRUCK LINE, INC., P.O. Box 600, How Lane, New Brunswick, NJ 08903. Representative: Zoe Ann Pace, Esq., Zelby & Burstein, Suite 2373, One World Trade Center, New York, NY 10048. *Contract carrier: irregular routes: (1) Paper, paper articles and related articles, and (2) materials, equipment and supplies used in the manufacture, sale and distribution of (1) between the facilities of Scott Paper Company at or near Chester and Eddystone, PA on the one hand, and, on the other, all points and places in and east of LA, AR, MO, IA and MN, under continuing contract(s) with Scott Paper Co., Philadelphia, PA. Supporting shipper: Scott Paper Co., Scott Plaza II, Philadelphia, PA 19113.*

MC 133660 (Sub-1-2TA), filed July 16, 1981. Applicant: PAUL JONES, INC., 847 Flora Street, Elizabeth, NJ 07201. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Foodstuffs and Liquors, commodities dealt in by retail and wholesale food houses, and materials, equipment and supplies used in the manufacture and sales thereof, except in bulk, between points in CT, MA, NJ, NY and PA. Supporting shipper: Julius Wile Sons and Co., Inc., Div. of Standard Brands Inc., Docks Corner Road, Dayton, NJ 08857.*

MC 149114 (Sub-1-7TA), filed July 17, 1981. Applicant: NATIONAL TRANSPORT SERVICES CO., INC., 100 Industrial Avenue, Edison, NJ 08837. Representative: Barbara Klein, Esq., 1101 Connecticut Avenue, NW., Suite 1000, Washington, DC 20036. *Food and food products from the plant site of Thomas J. Lipton Inc. at or near Flemington, NJ to all points in the states of IL, MD, MI, NY, OH, MA, NC, GA, FL, WI. Supporting shipper: Thomas J.*

Lipton Inc., 800 Sylvan Avenue,
Englewood Cliffs, NJ 07632.

MC 115432 (Sub-1-1TA), filed July 20, 1981. Applicant: PAWTUCKET VALLEY BUS LINES, INC., 76 Industrial Lane, West Warwick, RI 02893. Representative: Charles J. Williams, P.O. Box 186 Scotch Plains, NJ 07076. *Passengers and their baggage, in the same vehicle with passengers, in charter operations, between Worcester, Boston, Quincy, and Springfield, MA and Hartford, CT, on the one hand, and, on the other, points in the U.S., restricted to services arranged by Collette Travel Service, Inc., a broker of motor carrier passenger transportation, authorized by the Interstate Commerce Commission. Supporting shipper: Collette Travel Service, Inc., 124 Broad Street, Pawtucket, RI 02860.*

MC 151941 (Sub-1-3TA), filed July 20, 1981. Applicant: DELMONT E. HARTT, INC., P.O. Box 26 U.S. Route 2, Etna, ME 04435. Representative: John C. Lighbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Lumber and wood products from points in ME to points in MA, NH, NY, RI, CT, NJ, PA, VT, and OH. Supporting shipper: R. Leon Williams Lumber Co., East Eddington, ME 04428; South Branch Lumber, Water St., Howland, ME 04448; Haskell Lumber, Inc., Lincoln Center, ME 04458; Blackwell Lumber Mill, Inc., East Corinth, ME 04427.*

MC 156985 (Sub-1-1TA), filed July 20, 1981. Applicant: TRICHEM ENVIRONMENTAL INDUSTRIES, INC., P.O. Box 360, 15 Westcott St., Stamford, CT 06904. Representative: Ronald I. Shapss, Esq., 450 Seventh Avenue, New York, NY 10123. *Contract carrier: irregular routes; Hazardous waste from Fairport, NY, Lemoyne, Philadelphia, and Chambersburg, PA, Edison, Deans, and Fairlawn, NJ to points in AL, AR, CT, DE, MD, NJ, NY, OH, PA and SC under continuing contract(s) with American Can Co. of Greenwich, CT. Supporting shipper: American Can Co., American Lane, Greenwich, CT 06830.*

MC 144433 (Sub-1-1TA), filed July 21, 1981. Applicant: DOUGLAS G. MARCHIONDA, d.b.a. DOUG MARCHIONDA TRUCKING, Champlin Avenue, Penn Yan, NY 14527. Representative: Douglas G. Marchionda (same as applicant). *Wines, materials, supplies and equipment used in the manufacture, sale or distribution of wines, from Madera, CA, Canandaigua, NY, Hammondsport, NY, Petersburg, VA and Patrick, SC to all points in the U.S. (except AK and HI). Supporting shipper: Canandaigua Wine Company, Inc., 116 Buffalo Street, Canandaigua, NY 14424.*

MC 134806 (Sub-1-13TA), filed July 21, 1981. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Drive, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier: irregular routes: Cast iron stoves and accessories, from Orange, MA to San Francisco, CA; Denver, CO; Portland, OR; and Seattle, WA, under continuing contract(s) with Energy Harvester Corp. of Fitzwilliam, NH. Supporting shipper: Energy Harvester Corp., Route 12, Box 19, Fitzwilliam, NH 03447.*

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 150444 (Sub-II-6TA), filed July 21, 1981. Applicant: ADVANCE FREIGHT, LTD., 7637 Leesburg Pike, Falls Church, VA 22043. Representative: Wayne Hartke (same as applicant). *Contract, irregular: Chemicals NOI, to and from the plant sites of Croda, Inc., in Newark, NJ and Mill Hall, PA to points and places in the 48 states of the U.S., from piers in NY, NJ, Philadelphia, PA, Baltimore, MD, to the plants sites of Croda, Inc., and points and places in the U.S., under continuing contract with Croda, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Croda, Inc., 51 Madison Ave., New York, NY 10010.*

MC 152509 (Sub-II-13TA), filed July 20, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: J. L. Nedrich (same as applicant). *Contract Irregular: Cleaning, polishing and buffing compounds liq. (except in bulk) between Toledo, OH, Little Rock, AR, Jackson, FL, Savannah, GA, Chicago, IL, Indianapolis, IN, Bowling Green, KY, Opelousas, LA, La Rose, LA, Woburn, MA, Greenville, MS, Las Vegas, NV, Middletown, NY, Cleveland, OH, LaFollette, TN, Beaumont, TX, Houston, TX, Snyder, TX, Richmond, VA, Yakima, WA, Newark, NJ, under continuing contracts with Spartan Chemical Co. for 270 days. Supporting shipper: Spartan Chemical Co., 110 N. Westwood, Toledo, OH 43607.*

MC 59120 (Sub-II-1TA), filed July 22, 1981. Applicant: EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, PA 15219. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract, irregular: Machinery, metal products and transportation equipment (except new and used motor vehicles), (1) from Chicago, IL; Fort Wayne, IN; Chillicothe and Springfield, OH; Kansas City, MO; Mt. Holly, NC;*

Louisville, KY; New River, VA; Denton, TX and York, SC; and points in their commercial zones, to New Castle, PA and points in its commercial zone; (2) from New Castle, PA; Chicago, IL; Fort Wayne, IN; Chillicothe and Springfield, OH; Kansas City, MO; Mt. Holly, NC; Louisville, KY; New River, VA and Denton, TX, and points in their commercial zones, to York, SC, and points in its commercial zone; and (3) from York, SC and points in its commercial zone to Kansas City, MO; Mt. Holly, NC; Fort Wayne, IN; Louisville, KY; Chillicothe and Springfield, OH; New River, VA; Denton, TX and Chicago, IL, and points in their commercial zones, under continuing contract(s) with Rockwell International of Pittsburgh, PA for 270 days. An underlying ETA seeks 120 days. Supporting shipper: Rockwell International, P.O. Box 886, York, SC 29745.

MC 139439 (Sub-II-1TA), filed July 23, 1981. Applicant: WILLIAM EDWARDS, INC., P.O. Box 938, Verona, VA 24482. Representative: Peter Gregory Lordi, Jr., 4 Richard Court, Butler, NJ 07405. *Contract; irregular: General Commodities (except class A & B explosives and commodities in bulk in tank vehicles) between pts. in AL, CT, DE, FL, GA, KY, LA, MA, MD, ME, MS, NC, NH, NJ, NY, PA, RI, SC, TN, TX, VA, VT and WV under continuing contract with Shirley Fabrics Corp., New York, NY, for 270 days. Supporting shipper: Shirley Fabrics Corp., 1412 Broadway, New York, NY 10018.*

MC 151706 (Sub-II-5-TA), filed July 20, 1981. Applicant: JAN-AL SALES, INC., 5321 Southwyck Blvd., Toledo, OH 43614. Representative: Joseph E. Ludden, 2707 South Avenue, P.O. Box 1567, LaCrosse, WI 54601. *General commodities (except Classes A and B explosives, household goods) between points and places in Michigan and Ohio on the one hand and on the other points in the United States for 270 days. Supporting shipper: Detroit Stoker Company, 1510 East First Street, Monroe, MI 48161.*

MC 145627 (Sub-II-1-TA), filed July 20, 1981. Applicant: M&T Trucking, Inc., 4290 State Route #7, New Waterford, OH 44445. Representative: Joseph F. Mullins, Jr., 1700 K Street, N.W., Washington, D.C. 20006. *Coal, from Columbiana County, OH to Marshall County, WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Greenwood enterprises, P.O. Box 1388, Uniontown, PA 15401.*

MC 135364 (Sub-II-12TA), filed July 20, 1981. Applicant: MORWALL TRUCKING, INC., R.D. #3, Box 76-C, Moscow, PA 18444. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Contract, irregular: *Rope, twine, oakum, synthetic fibers, extrusions and equipment, materials and supplies used in the manufacture thereof* between Honesdale, PA and Lafayette, LA, on the one hand, and, on the other, Carson, CA; Chicago, IL; Cleveland, OH; Culpepper, VA; Denver, CO; Matthews, NC; Memphis, TN; Minneapolis, MN; New Haven, CT; New Orleans, LA; St. Louis, MO; Salt Lake City, UT; Seattle, WA; Xenia, OH and Lafayette, LA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): American Manufacturing Co., 206 Willow Ave., Honesdale, PA 18431.

MC 109448 (Sub-II-12TA), filed July 20, 1981. Applicant: PARKER TRANSFER COMPANY, P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. (1) *Metal products* and (2) *materials, equipment and supplies used in the production and distribution of metal products (except commodities in bulk)*. Between Berlin Heights, OH, including points in its Commercial Zone, on the one hand, and, on the other, points in the U.S. (except AK and HI) for 270 days. Supporting shipper: Shan-Rod, Inc., 7308 Driver Rd., Berlin Heights, OH 44814.

MC 157255 (Sub-II-1TA), filed July 21, 1981. Applicant: RANGER EXPRESS CO., 1616 West 47th Street, Ashtabula OH 44004. Representative: MICHAEL SPURLOCK, BERRY & SPURLOCK CO., L.P.A., 275 East State Street, Columbus, OH 43215. Paper and paper products and equipment, materials and supplies used in the manufacture, distribution or sale thereof, between the facilities of Champion International Corporation at or near Jefferson, Ohio (Ashtabula County), on the one hand, and on the other, points in IN, KY, MI, NY, PA, and WV, for 270 days and an underlying ETA has been filed for 120 days. Supporting shipper: Champion International Corporation, Knightsbridge Drive, Hamilton, OH 45020.

MC 157147 (Sub-II-2TA), filed July 21, 1981. Applicant: RETAIL TRANSPORT, INC., 108 Erickson Ave., Essington, PA 19029. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180, 703-442-8330. Contract, Irregular: *Transporting such commodities as are dealt in by retail department stores* between DE, MD, NJ, PA, NY, DC and VA on the one hand, and on the other, points in the U.S.

under continuing contract with F. W. Woolworth Company of New York, NY. Supporting shipper: F. W. Woolworth Co., 162 West Chelton Ave., Philadelphia, PA 19144.

MC 157147 (Sub-II-3TA), filed July 21, 1981. Applicant: RETAIL TRANSPORT, INC., 108 Erickson Ave., Essington, PA 19029. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180, 703-442-8330. Contract, Irregular: *Transport such commodities as are dealt in by retail department stores* between Secaucus, NJ, and Totowa, NJ, on the one hand, and on the other, points in the U.S., under continuing contract with Jamesway Corporation of Secaucus, NJ. Supporting shipper: Jamesway Corporation, 40 Hartzway, Secaucus, NJ 07094.

MC 148558 (Sub-II-3TA), filed July 20, 1981. Applicant: Victor Shimonis, 11 Reynolds St., Pittston, PA 18840. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Food and related products & materials, equipment & supplies (except in bulk) used in the manufacturing, sale and distribution of such products*, between points in Osceola County, IA, on the one hand, and, on the other, points in Hudson County, NJ; Lucas County, OH; Cumberland & Allegheny Counties, PA and Dallas County, TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Heinz USA, Div. of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230.

MC 157110 (Sub-II-1), filed July 16, 1981. Applicant: STAR REFRIGERATED, INC., Elkton Rd., P.O. Box 7476, Newark, DE 19711. Representative: Robert B. Einhorn, 3220 P.S.F.S. Bldg., 12 S. 12th St., Philadelphia, PA 19107. *Food and related products* between points in MA, CT, RI, NY, NJ, PA, MD, DE, DC, VA and NC. An underlying ETA seeks 120 days authority. Applicant intends to interline at Jersey City, NJ. Supporting shipper(s): There are ten supporting shippers' statements to this application which may be examined at the Philadelphia Regional office.

MC 41706 (Sub-II-3TA), filed July 20, 1981. Applicant: TOSE, INC., 424 W. Fourth St., Bridgeport, PA 19405. Representative: Anthony C. Vance, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Common, regular: *General commodities (except Classes A and B explosives)*, serving points in Hillsborough and Rockingham Counties, NH, as off-route points. Applicant intends to tack this authority with its other authority held in MC-41706 and other subs. An underlying ETA seeks 120 days authority. Supporting shippers: There are 19 supporting shippers'

statements attached to this application which may be examined in the Philadelphia Regional office.

MC 138068 (Sub-II-4-TA), filed July 21, 1981. Applicant: WAREHOUSE TRANSPORTATION COMPANY, INC., P.O. Box 84, Urbana, OH 43078. Representative: Robert E. Tucker, 750 W. Third St., Cincinnati, OH 45203. Contract Carrier, Irregular Route: Such commodities as are dealt in by retail department stores including such items as Games and Toys, Children's Furniture, Bicycles, Pools, Tables, Chairs, Strollers and Material, equipment and supplies used in the distribution and manufacture of such items, from all points in the United States (except AK and HI), to Avon, MA, Oetz, OH, and Kansas City, MO for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: CHILD WORLD, INC., 25 Littlefield St., Avon, MA 02322.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 115311 (Sub-3-22 TA), filed July 6, 1981. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Ralph B. Matthews, Suite 1200 Gas Light Tower, 235 Peachtree St., N.E., Atlanta, GA 30303. *Cement in bags*, from Leeds, AL to Anderson, Greenville and Spartanburg, SC and points in their respective commercial zones. Supporting shipper: Lehigh Portland Cement Co., 718 Hamilton Mall, Allentown, PA 18105.

MC 133221 (Sub-3-10 TA), filed July 21, 1981. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, GA 30245. Representative: W. D. Beaver (same as applicant). *Printed material*, from Fulton County, GA, to points in the U.S. (except AK and HI). Supporting shipper: Dittler Brothers, Inc., 1375 Seaboard Industrial Blvd., N.W., Atlanta, GA 30318.

MC 146447 (Sub-3-7 TA), filed July 21, 1981. Applicant: TANBAC, INC., 2941 SW 1st Terr., Ft. Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53d St., Miami, FL 33166. Contract carrier, irregular route: (1) *Toys and hobby craft*; and (2) *materials and supplies used in the manufacture and sale of (1) above* between points in the U.S. under continuing contract(s) with Kay/Bee Toy & Hobby Shops, Inc., Lee, MA. Supporting shipper: Kay/Bee Toy & Hobby Shops, Inc., Route 102, Lee, MA. 01238.

MC 148513 (Sub-3-1 TA), filed July 15, 1981. Applicant: GARY W. WILCOX d.b.a. WILCOX TRUCKING CO., Rt. 2, Box 18, Nicholls, GA 31554. Representative: Roy L. Long, P.O. Box 67, Nicholls, GA 31554. *Lumber and lumber products* from GA to AL, TN, MS, SC, NC, and FL. Note applicant intends to tack present Authority MC-148513. Supporting shipper: Brunswick Pulp and Paper Company, Building Products Division, P.O. Box 1733, Brunswick, GA 31521.

MC 157237 (Sub-3-1 TA), filed July 21, 1981. Applicant: LEON SRYGLER, d.b.a. LEON SRYGLER TRUCKING, P.O. Box 66, Horse Cave, KY. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Contracts; irregular; Printed matter and materials, equipment, and supplies used in the manufacture, distribution and sale of printed matter* between Los Angeles, CA; Chicago, IL; Crawfordsville, IN; Dwight, IL; Gallatin, TN; Glasgow, KY; Harrisonburg, VA; Lancaster, PA; Mattoon, IL; Old Saybrook, CT; Spartanburg, SC; Willard, OH; and Warsaw, IN on the one hand and on the other, points in the U.S. (except AK and HI). Under continuing contract(s) with R. R. Donnelley & Sons Company. Supporting shipper: R. R. Donnelley & Sons Company, Donnelley Drive, Glasgow, KY 42141.

MC 146180 (Sub-3-4 TA), filed July 21, 1981. Applicant: QUALITY EXCHANGE, INC., Route 4, Box 459-A, Kings Mountain, NC 28086. Representative: Eric Meirhoefer, Suite 1000, 1029 Vermont Avenue, NW, Washington, DC 20005. *Contract Carrier; irregular: metal products, and materials and supplies used in the manufacture and distribution thereof*, between Rahns, PA; Dundalk, MD; Union, IL; Houston, TX; and City of Industry, and Parris, CA, and points in their commercial zones, on the one hand, and, on the other, points in the US, under continuing contract(s) with Techalloy Co., Inc., of Rahns, PA. Supporting shipper(s): Techalloy Co., Inc. Rahns, PA 19426.

MC 157183 (Sub-3-1 TA), filed July 21, 1981. Applicant: SERVICE LINES, 5720 Tulane Drive, S. W., Atlanta, Fulco, GA 30336. Representative: Howard W. Teal, 3002 Anderson Drive, Lithia Springs, GA 30057. *Contract, irregular routes, general commodities (except Classes A and B explosive, household goods as defined by the Commission, commodities requiring special equipment, those of unusual value, and commodities in bulk)* between points in the US, under continuing contracts with Greater Atlanta Shippers Association, Atlanta, Fulco, GA, and Schwinn Sales, Inc., Atlanta, Falco, GA. Supporting shippers:

Greater Atlanta Shippers Association, Atlanta, Fulco, GA, and Schwinn Sales, Inc., Atlanta, Fulco, GA.

MC 129537 (Sub-3-11 TA), filed July 21, 1981. Applicant: REEVES TRANSPORTATION CO., Route 5, Dews Pond Road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, FL 33602. (1) *Paper and allied products*, (2) *furniture and fixtures*, (3) *plastic articles and (4) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) through (3) above (except in bulk)* Between points in the U.S. (except AK and HI). Supporting shipper: Scott Paper Company, Scott Plaza, Philadelphia, PA 19113.

MC 121499 (Sub-3-1 TA), filed July 21, 1981. Applicant: WILLIAM HAYES LINES, INC., P.O. Box 610, Lebanon, TN 37087. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Common carrier, regular routes, General commodities, except Classes A and B explosives*, serving points in Tippah and Prentiss Counties, MS as off-route points in connection with carrier's authorized regular-route operations. Supporting shippers: Texas Boot Co., 127 E. Forrest Ave., Lebanon, TN 37087 and Robertshaw Controls, Lux Time Div., 1307 W. Main St., Lebanon, TN 37087.

Note.—Applicant intends to tack this authority with authority held in MC-121499 and to interline at various points in its present system in the states of TN, KY, GA and AL.

MC 145738 (Sub-3-6 TA), filed July 21, 1981. Applicant: EAST-WEST MOTOR FREIGHT, INC., P.O. Box 607, Selmer, TN 38375. Representative: H. E. Miller, Jr., 806 Nashville Bank & Trust Bldg., 315 Union Street, Nashville, TN 37201. *General commodities (except Classes A & B explosives)* between Davidson, Wilson, Putnam, Rutherford, Warren, Sumner and Robertson Counties, TN, and Christian and Taylor Counties, KY, on the one hand, and, on the other, points in CT, DE, MD, NJ, NY and PA. Supporting shipper: Mid-South Shippers Association, Inc., 230 Willow Street, Nashville, TN 37210.

MC 121568 (Sub-3-20TA), filed July 21, 1981. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37210. Representative: James G. Caldwell (same address as applicant). *Common carrier, regular routes: General Commodities, with usual exceptions*, between Louisville, KY and Birmingham, AL, from Louisville, KY over Interstate Highway 65 to Birmingham, AL and return, serving all intermediate points.

Note: Applicant intends to tack with all existing authority under MC 121568 and Subs thereto and to interline at Birmingham, AL, Louisville, KY, and Nashville, TN. Supporting shipper: There are 21 statements in support of this application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 117427 (Sub-3-4TA), filed July 21, 1981. Applicant: G. G. PARSONS TRUCKING CO., P.O. Box 1085, North Wilkesboro, NC 28659. Representative: Dean N. Wolfe, Esq., Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. *Furniture*, from the facilities of Burris Industries, Inc., at Lincolnton, NC, to points in the U.S. (except AK and HI). Supporting shipper: Burris Industries, Inc., P.O. Box 698, Lincolnton, NC 28092.

MC 136123 (Sub-3-20), filed July 21, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same address as applicant). *Carbonated beverages, and materials and supplies used in the manufacture and distribution of carbonated beverages* from the facilities of Faygo Beverages, Inc. at Evansville, IN, to points in KY, TN, OH, AR, MO. Supporting shipper: Faygo Beverages, Inc., 3579 Gratiot Ave., Detroit, MI 48207.

MC 156778 (Sub-3-2TA), filed July 20, 1981. Applicant: 7 HILLS TRANSPORT, INC., P.O. Box 6205, Rome, GA 30161. Representative: Lyons J. Heyman, Jr., P.O. Box 6205, Rome, GA 30161. *Textile products and the materials and supplies used in manufacture, distribution, and sales thereof*, between points in GA, AL, MS, LA, TX, NM, AR, SC, TN, and CA. Supporting shipper: Trend Mills, Inc., P.O. Box 162, Rome, GA 30161.

MC 156778 (Sub-3-1TA), filed July 20, 1981. Applicant: 7 HILLS TRANSPORT, INC., P.O. Box 6205, Rome, GA 30161. Representative: Lyons J. Heyman, Jr., P.O. Box 6205, Rome, GA 30161. *Furniture, furniture parts, and the materials, supplies used in the manufacture, distribution, and sales thereof*, between points in CA, TX, GA, and NJ. Supporting shipper: Universal Furniture Co., 2690 Pellissier Place, Whittier, CA 90601.

MC 129712 (Sub-3-13 TA), filed July 15, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, P.C., Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338. *Contract carrier; irregular routes; Materials, equipment, parts and supplies used, sold or delt in by manufacturers and distributors of material handling equipment*, between

all points in the U.S., under continuing contract(s) with Continental Conveyor and Equipment Company, Inc. Supporting shipper: Continental Conveyor and Equipment Company, Inc., P.O. Box 400, Winfield, AL 35594.

MC 129712 (Sub-3-14 TA), filed July 15, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338. *Contract carrier; irregular routes; such commodities as dealt in or used by manufacturers, distributors and dealers of (1) agricultural, construction, forestry, industrial and irrigation equipment; (2) lawn and leisure products; (3) equipment used in maintenance, feeding and housing of hogs, livestock and poultry (except commodities in bulk); and (4) steel wood-burning stoves* between all points in the U.S. under continuing contracts with Long Manufacturing-N.C., Inc. Supporting shipper: Long Manufacturing-N.C., Inc., 1907 N. Main Street, Tarborough, NC 27886.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 908 (Sub-4-7 TA), filed July 17, 1981. Applicant: CONSOLIDATED CARTAGE COMPANY, INC., 4528 South McDowell Ave., Chicago, IL 60609. Representative: Eugene L. Cohn, Room 2255, One North La Salle St., Chicago, IL 60602. *General commodities, (except Classes A and B explosives, household goods), between points in IL, IN, IA, KY, MI, MN, MO, OH, PA, TN, WV, and WI* Supporting shippers: Wabash Fibre Box Company, Div. of the Weston Paper and Manufacturing Co., 6850 West 62nd St., Chicago, IL 60638; Matsushita Industrial Company, 9401 West Grand Ave., Franklin Park, IL 60131; Acorn Corrugated Box Co., 5133 West 85th Street, Chicago, IL 60638; Rheem Manufacturing Company, 7600 South Kedzie Ave., Chicago, IL 60652.

MC 15735 (Sub-4-3 TA), filed July 20, 1981. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill (same as applicant). *Contract, Irregular: Such commodities as are dealt in or used by manufacturers of computers* between points in the U.S. under continuing contract(s) with the Control Data Corporation. Supporting shipper: Control Data Corporation, 8100 34th Avenue South, Minneapolis, MN 55440.

MC 106674 (Sub-4-45 TA), filed July 20, 1981. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington,

IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Ground Clay*, from Mounds, IL to points in and west of ND, SD, NE, KS, OK and NM. An underlying ETA seeks 120 days authority. Supporting shipper: Absorbent Clay Products, Inc., 200 N. Main Street, Anna, IL 62906.

MC 120737 (Sub-4-13 TA), filed July 21, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Machinery and transportation equipment*, from Lebanon, TN to points in AR, LA, MS, AL, GA, FL, SC, NC and KY. An underlying ETA seeks 120 days authority. Supporting shipper: Highway Equipment Co., 103 Babb St., Lebanon, TN 37087.

MC 125973 (Sub-4-3 TA), filed July 17, 1981. Applicant: CROWN WAREHOUSE & TRANSPORTATION COMPANY, INC., 710 East 9th Avenue, P.O. Box M799A, Gary, IN 46401. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. *Contract, Irregular General Commodities (except Classes A and B explosives), between points in IN, KY, and MI, on the one hand, and, on the other, points in IL and WI, under continuing contract or contracts with Federated Distributors, Inc. Supporting shipper: Federated Distributors, Inc., 4130 South Morgan, Chicago, IL 60609.*

MC 138575 (Sub-4-2 TA), filed July 13, 1981. Applicant: GWINNER OIL CO., INC., Box 38, Gwinner, ND 58040. Representative: James B. Hovland, 525 Lumber Exchange Bldg., 10 S. 5th St., Minneapolis, MN 55402. (1) *Farm implements* from Bismarck and Minot, ND; Ortonville, MN; and ports of entry on the International Boundary Line between the U.S. and Canada located in ND and MN, to points in the U.S. (excluding AK and HI); (2) *Materials, supplies and related parts used in the manufacture of farm implements* from points in the U.S. (excluding AK and HI) to the origin points named in Part (1) above. *Restriction:* Restricted to the transportation of traffic originating at or destined to the facilities of Morris Rod-Weeder Company. Supporting shipper: Morris Rod-Weeder Co., 85 York Rd., Saskatchewan, Canada S8N2X2.

MC 138841 (Sub-4-3), filed July 21, 1981. Applicant: BLACK HILLS TRUCKING CO., P.O. Box 2130, Rapid City, SD 57709. Representative: James W. Olson, P.O. Box 1552, Rapid City, SD 57709. *Calcium carbide* from Keokuk, and Louisville, to Rapid City, SD. An underlying ETA seeks 120 days authority. Air Products and Chemicals,

Inc., Ashley E. Kelley, District Manager, Box 1358, Rapid City, SD 57709.

MC 140276 (Sub-4-3TA), filed July 16, 1981. Applicant: LARRY SCHEFUS TRUCKING, INC., Route 1, Box 202, Redwood Falls, MN 56283. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., 10 S. 5th St., Minneapolis, MN 55402. *Contract: Irregular, (1) Metal articles and (2) equipment, materials and supplies used in the manufacture and distribution of metal articles*, between points in the U.S. for the account of St. Paul Steel Supply Co., Inc. Supporting shipper: St. Paul Steel Supply Co., Inc., 312 Walnut Street, St. Paul, MN 55102.

MC 140968 (Sub-4-1TA), filed July 21, 1981. Applicant: VALLEY TRANSPORT, INC., Drayton, ND 58225. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424. *General commodities*, between the facilities of American-Canadian Distribution Centers, Inc., on the one hand, and, on the other, points in the U.S. Supporting shipper: American-Canadian Distribution Centers, Inc., 7801 East Bush Lake Road, Minneapolis, MN 55435.

MC 142305 (Sub-4-4TA), filed July 17, 1981. Applicant: WISCONSIN EXPRESS LINES, INC., Route 2, Green Bay, WI 54301. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. *Contract; irregular: Such commodities as are dealt in or used by a manufacturer of leather from (1) points in CO, IA, KS, MO, NE, OK, TN, and TX, to Milwaukee, WI; and (2) Milwaukee, WI, to points in MA and ME, under continuing contracts with Pfister & Vogel Tanning Co. An underlying ETA seeks 120 days authority. Supporting shipper: Pfister & Vogel Tanning Co., 1531 North Water St., Milwaukee, WI 53202.*

MC 145344 (Sub-4-1TA), filed July 15, 1981. Applicant: WILLIAMS TRUCKING, INC., Rt. 1, 1396 Hwy. 13 No., Friendship, WI 53934. Representative: (same as applicant). *Fertilizer in bulk and in tanks*, from points in IL, IA, and MN to points in WI. Supporting shipper: Esteck General Chemical Corp., P.O. Box 330, Dubuque, IA 52001.

MC 145974 (Sub-4-8TA), filed July 21, 1981. Applicant: HIDATCO, INC., P.O. Box 849, New Town, ND 58763. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract irregular: Lumber, wood products and building materials*, from points in WA, OR, ID, MT, CA, WI, IA and MN to points in ND, MT and SD.

under contract(s) with G & M Lumber. An underlying ETA seeks 120 days authority. Supporting shipper: G & M Lumber, Box 3027, No. 2—29th Ave. SW., Minot, ND 58701.

MC 153497 (Sub-4-1TA), filed July 20, 1981. Applicant: UNITED AMERICAN FREIGHT, INC., 9324 Harrison Road, Romulus, MI 48174. Representative: Gordon Y. Disley (same as applicant). *Motor vehicle parts and materials*, supplies and equipment utilized in the manufacture, production, assembly, promotion and distribution of motor vehicles, transportation equipment and component parts thereof, between points in the State of MI, and the international borders at Detroit and Port Huron for furtherance of commerce into Canada. Supporting shipper: General Motors of Canada, Ltd., 215 William St., East, Oshawa, Ontario, Canada 61G 1K7.

MC 153648 (Sub-4-5TA), filed July 17, 1981. Applicant: PATRICK C. SENG, d.b.a. S & S TRANSPORT, Box 579, Grand Forks, ND 58201. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. *Contract; Irregular: malt beverages*, from Longview, TX to Points in Pennington and Polk Counties, MN, and Grand Forks, Ward and Ramsey Counties, ND, under continuing contracts with Nodak Sales Co., Division of Grand Forks Coca-Cola Bottling Co., Grand Forks, ND; Anderson Beverages, Inc., Crookston, MN; Pacific Gamble Robinson Co., Minot, ND; North Star Distributors, Inc., Devils Lake, ND; and Northwest Beverages, Inc., Thief River Falls, MN. An underlying ETA seeks 120 days authority. Supporting shippers: Nodak Sales Company, Division of Grand Forks Coca-Cola Bottling Co., Grand Forks, ND 58201; Anderson Beverages, Inc., Crookston, MN 56716; North Star Distributors, Inc., Devils Lake, ND 58301; Northwest Beverages, Inc., Thief River Falls, MN 56701, and Pacific Gamble Robinson Co., Minot, ND 58701.

MC 156069 (Sub-4-4TA), filed July 17, 1981. Applicant: TRANSITALL SERVICES, INC., Two North Riverside Plaza, Suite 1402, Chicago, IL 60606. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312/782-8880. *Contract; irregular, household and personal care products and such commodities sold through or used by mail order houses* between Ada, Grand Rapids and Holland, MI, on the one hand, and, on the other, Chicago, IL and Detroit, MI, under continuing contracts with Amway Corporation. Supporting shipper: Amway Corporation, 7500 E. Fulton Rd., Ada, MI 49355.

MC 156499 (Sub-4-1TA), filed July 17, 1981. Applicant: CIRCLE C TRUCKING, INC., 3711 28th St., Grandville, MI 49418. Representative: Robert D. Eklund, 175 West Apple Ave., Muskegon, MI 49443. *Frozen foods*, between Readi-Bake, Inc. facilities in Grand Rapids, MI, on the one hand, and, on the other hand, CA, TX, and FL, under continuing contract with Readi-Bake, Inc. of Grand Rapids, MI. Supporting shipper: Readi-Bake, Inc., P.O. Box 7263, Grand Rapids, MI 49510.

MC 156499 (Sub-4-2TA), filed July 17, 1981. Applicant: CIRCLE C TRUCKING, INC., 3711 28th St., Grandville, MI 49418. (616) 530-8613. Representative: Robert D. Eklund, 175 West Apple Avenue, Muskegon, MI 49443. (616) 722-1621. *General commodities* (except Classes A & B explosives) between the plant sites and warehouses utilized by Michigan Fruit Cannery, located at Allegan, Berrien, Cass, Kent and Van Buren Counties in MI, on one hand, to all points in the U.S. and return on the other hand, under continuing contract with Michigan Fruit Cannery. Supporting shipper: Michigan Fruit Cannery, Division of Curtice-Burns, Inc., P.O. Box 206, Coloma, MI 49038.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 95084 (Sub-5-12TA), filed July 20, 1981. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. (1) *Machinery, Parts, and Attachments, and Materials, Equipment and Supplies, and (2) Metal Products and Materials, Equipment and Supplies, used in the manufacture, production, sale and distribution of metal products*, between pts in Mercer and Richland Counties, OH and Cherokee County, IA on the one hand, and, on the other, pts in the U.S. Supporting shippers: Ohio Steel Tube Co., Shelby, OH 44875 and J & M Manufacturing Co., Inc., Fort Recovery, OH 45846.

MC 112822 (Sub-5-9TA), filed July 20, 1981. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 N. Little Street, Cushing, OK 74023. Representative: Brian Fitzgerald (same address as applicant). *Meat and Meat By-Products*, from Oklahoma City, OK to points in and west of a line from WI, IL, MO, AR and LA. Supporting shipper: Schwab and Company, 1111 Linwood, Oklahoma City, OK 73106.

MC 115441 (Sub-5-2TA), filed July 20, 1981. Applicant: ELMER R. JOHNSON AND MARVIN W. JOHNSON, d.b.a. JOHNSON BROS. P.O. Box 351, Miles,

IA 52064. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Malt beverages*, from Peroria, IL and La Crosse, WI, to Clinton, IA. Supporting shipper: Rasmussen Distributing Company, 413—10th Avenue So., Clinton, IA 52732.

MC 134134 (Sub-5-17TA), filed July 20, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Ave., Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Food and related products*, between Philadelphia, PA (and pts in its commercial zone) on the one hand, and, on the other, pts in OH, IN, WI, IL, MN, IA, MO, SD, NE, KS, TX, and CO. Supporting shippers: A. Golin Inc., 400 North Delaware Avenue, Philadelphia, PA 19123; and Francis D. Ellis Inc., 3535 So. Front Street, Philadelphia, PA 19148.

MC 141489 (Sub-5-3TA), filed July 20, 1981. Applicant: HUNTER TRUCKING, INC., 805 32nd Avenue, Council Bluffs, IA 51501. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Metal products*, between Plymouth (Box Elder County), UT, on the one hand, and, on the other, pts in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY. Supporting shipper: Nucor Corporation, 4425 Randolph Road, Charlotte, NC 28211.

MC 141489 (Sub-5-4TA), filed July 20, 1981. Applicant: HUNTER TRUCKING, INC., 805 32nd Avenue, Council Bluffs, IA 51501. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Metal products*, from Norfolk (Madison County), NE to pts in CO, IA, IL, IN, KS, MI, MN, MO, MT, ND, OH, SD, WI, and WY. Supporting shipper: Nucor Corporation, 4425 Randolph Road, Charlotte, NC 28211.

MC 141523 (Sub-5-3TA), filed July 20, 1981. Applicant: C. R. KIDD PRODUCE, INC., Post Office Box 364, Springdale, AR 72764. Representative: Dean G. Cannon, Post Office Box 364, Springdale, AR 72764. *Such commodities as are dealt in or used by the manufacturers and distributors of pet foods and supplies, (except in bulk)*, between the facilities of Kal Kan Foods, Inc. and its affiliates, in the U.S., on the one hand, and, on the other, points in the U.S., (except AK and HI). Supporting shipper: Kal Kan Foods, Inc., 3386 E. 44th Street, Vernon, CA 90058.

MC 142431 (Sub-5-13TA), filed July 20, 1981. Applicant: WAYMAR TRANSPORT CORP., 5525 E. University, Des Moines, IA 50317. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Floor covering* between pts in AR, IL, NY and

PA on the one hand, and, on the other, pts in IA and NE. Supporting shipper: Hi-Co Distributing Co., 97 Washington, Avenue, Des Moines, IA 50318.

MC 142431 (Sub-5-14TA), filed July 20, 1981. Applicant: WAYMAR TRANSPORT CORP., 1755 S.E. 108th Street, Runnells, IA 50237. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Food products* between Marshall County, IA on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, OK and TX. Supporting shipper, Union Marshall, Box 356, Marshalltown, IA 50158.

MC 144449 (Sub-5-3TA), filed July 20, 1981. Applicant: A & A MOVING & STORAGE CO., d.b.a. A & A CONTRACT CARRIERS, 414 Blue Smoke Court West, Fort Worth, TX 76105. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract, irregular; *Postal systems, equipment and parts*, from Arlington, TX, to U.S. Postal installations located in the U.S., under continuing contract(s) with E-Systems, Inc., P.O. Box 226031, Dallas, TX 75266.

MC 146078 (Sub-5-27TA), filed July 20, 1981. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Rubber bands and materials and supplies utilized in the manufacture of rubber bands*, between Garland County, AR, on the one hand, and, on the other, all points and places in AR, AZ, CA, IL, KY, LA, NM, NV, OK, OR, TX, and WA. Supporting shipper: Alliance Rubber Co., P.O. Box 730, Hot Springs, AR 71901.

MC 146078 (Sub-5-28TA), filed July 20, 1981. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Paper and paper products*, between New Orleans, LA and Wellsburg, WV, on the one hand, and, on the other, all points in the United States. Supporting shipper: Westvaco Corporation, Bag Division, 1400 Annunciation St., New Orleans, LA 70160.

MC 146078 (Sub-5-29TA), filed July 20, 1981. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Roofing, insulation, and materials, equipment, and supplies utilized in the manufacture and installation of roofing and insulation*, between Ennis, TX; Tuscaloosa, AL; and Stephens, AR; on the one hand, and, on the other, all points in the U.S.

Supporting shipper: The Elk Corporation, P.O. Box 500, Ennis, TX 75119.

MC 146442 (Sub-5-2TA), filed July 20, 1981. Applicant: CLEARFIELD TRANSPORTATION COMPANY, INC., P.O. Box 313, Clinton, MO 64735. Representative: Mark J. Andrews, Suite 1100, 1660 L Street, NW, Washington, D.C. 20036. Contract, irregular. *Foodstuffs, and products pertaining to restaurant service*, from Dallas, TX, and commercial zone, to Salt Lake City, UT, and commercial zone, with intermediate stops at Colorado Springs, CO, Englewood, CO, Denver, CO, Lakewood, CO, Arvada, CO, Grand Junction, CO, and their commercial zones, under continuing contract(s) with Howard Johnson, Inc. Supporting shipper: Howard Johnson, Inc., 220 Forbes Road, Braintree, MA 02184.

MC 146853 (Sub-5-5TA), filed July 20, 1981. Applicant: FRANK F. SLOAN d.b.a. HAWKEYE WOODSHAVINGS, Route 1, Runnells, IA 50327. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Rubber products*, between Des Moines, IA; Kansas City, MO; Minneapolis, MN; and Morton, IL, on the one hand, and, on the other, pts in CO, IL, IN, NE, SD, and UT. Supporting shipper: Ruan Tire Sales & Service, 1500 S.E. 30th Street, Des Moines, IA 50317.

MC 148194 (Sub-5-4TA), filed July 20, 1981. Applicant: LARRY D. AND PATRICIA CHICK, 1319 San Miguel, Springdale, AR 72764. Representative: Patricia Chick (same as above). Contract, irregular; *sheet steel and coil, and zinc slab* from points in MI, IL, IN, KS, MO, and AL, to points in TX, under continuing contract with Jamieson Manufacturing, Italy, TX.

MC 148209 (Sub-5-3TA), filed July 20, 1981. Applicant: MARRIOTT-RIDDLE, INC., Post Office Box 409, Green Forest, AR 72638. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72702. *Castings and Materials, Equipment and Supplies used in the manufacture thereof* between Carroll County, AR, on the one hand, and, on the other, points in the U.S. Supporting shipper: Automatic Castings, Inc., Post Office Box B, Green Forest AR 72638.

MC 149513 (Sub-5-1TA), filed July 20, 1981. Applicant: ACORD TRANSPORTATION, INC., Route 3, Box 203AA, Chandler, OK 74834. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Liquified petroleum gas products*, between points in OK and TX.

Supporting shipper(s): United LP Gas Marketing, Inc., Suite 229, 2829 West Northwest Highway, Dallas, TX 75220.

MC 151435 (Sub-5-9TA) filed July 20, 1981. Applicant: MOTRAN SERVICES, INC., 6311 Raytown Road, Rayton, MO 64133. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. Contract, irregular. *Plastic containers and lids*, from the Commercial Zone of Kansas City, MO, to the Commercial Zones of Omaha, NE; Cincinnati, OH; Detroit, MI; New Orleans, LA; and Dallas and Houston, TX. Supporting shipper: Plastic Enterprises Company, Inc., 407 South Liberty, Independence, MO 64050.

MC 153710 (Sub-5-3 TA), filed July 20, 1981. Applicant: DENNIS FISHER, d.b.a. FISHER TRUCKING, P.O. Box 62, Perry, IA 50220. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. (1) *Machinery*, (2) *electrical equipment*, and (3) *materials, equipment, and supplies used in the manufacture, distribution, or sale of the commodities in (1) and (2)*, between Grundy County, MO; Boone County, IA; Ogle County, IL; and Richardson County, NE, on the one hand, and, on the other, pts in the U.S. Supporting shipper, Rolfe Manufacturing Company, Industrial Park Road, P.O. Box 458, Perry, IA 50220.

MC 155256 (Sub-5-2 TA), filed July 20, 1981. Applicant: KASSEL TRANSFER, INC., Route 1, Letts, IA 52754. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Sand and gravel*, from Muscatine, IA to pts in AL, AR, CO, IL, IN, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, TX, and WI. Supporting shipper: Infilco Degremont, Inc., 2828 Emerywood Parkway, Richmond, VA 23229.

MC 155595 (Sub-5-12 TA), filed July 20, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, TX 75212. Representative: Daniel C. Sullivan, Esq., Sullivan & Associates, Ltd., 10 South LaSalle Street, Suite 1800, Chicago, IL 60603. *Such commodities as are dealt in by retail, department, or catalog stores between the facilities of Service Merchandise Company, Inc.*, in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. Supporting shipper: Service Merchandise Company, Inc., 3023 Herbert Street, Dallas, TX 75212.

Merchandise Company, Inc., P.O. Box 24600, Nashville, TN 37202.

MC 157209 (Sub-5-1 TA), filed July 20, 1981. Applicant: PHILLIPS LEASING CO., P.O. Box 932, Okmulgee, OK 74447. Representative: Michael H. Lennox, 531 N. Portland, P.O. Box 75613, Oklahoma City, OK 73147. Contract: Irregular. Containers, container ends, materials and supplies used in the manufacture of containers and ends, between OK, AR, GA, KS, LA, MO, NC, TN, and TX. Supporting shipper: Ball Corporation, 345 South High Street, Muncie, IN 47302.

MC 157211 (Sub-5-1 TA), filed July 20, 1981. Applicant: DI-MON, INC., P.O. Box 32834, Oklahoma City, OK 73123. Representative: Michael H. Lennox, 531 N. Portland, P.O. Box 75613, Oklahoma City, OK 73147. Oilfield Equipment and Supplies, between OK and TX. Supporting shipper: J-CO Machine, Inc., 4310 B.B. Drive, Woodward, OK 73801.

MC 157212 (Sub-5-1TA), filed July 20, 1981. Applicant: DES MOINES PIGGYBACK SERVICES, INC., 4551 Delaware Avenue, Des Moines, IA 50313. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. General commodities (except Classes A and B explosives and hazardous waste), between Kansas City, KS, on the one hand, and, on the other, pts in IL, IA, KS, MN, MO, NE and WI, restricted to traffic having a prior or subsequent movement in rail trailer-on-flatcar service. Supporting shipper: Missouri-Kansas-Texas Railroad Co. 10341 Miller Road, P.O. Drawer 38385, Dallas, TX 75238.

MC 531 (Sub-5-12TA), filed July 21, 1981. Applicant: YOUNGER BROTHERS, INC., P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Liquid Chemicals, in bulk, in tank vehicles, from Charlotte, NC to Sacramento, CA, Salem, OR, and Wenatchee, WA, from Cedartown, GA, to Richmond, CA, from Ashtabula, OH, to Redwood City, CA, from Calvert City, KY, to Snowflake, AZ. Supporting shipper: Diamond Shamrock Corp., Dallas, TX.

MC 41432 (Sub-5-14TA), filed July 21, 1981. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Suite 700, Dallas, Texas 75207. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, Texas 75245. General commodities, (except classes A & B explosives and hazardous waste materials) between the facilities of The Burke Company on the one hand, and, on the other, points in the U.S. Supporting shipper(s): The Burke Company, 2655 Campus Drive, San Mateo, California 94403.

Note.—Applicant intends to tack existing authority.

MC 52460 (Sub-5-38TA), filed July 22, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, Tulsa, OK. 74107. Representative: Don E. Kruizinga, P.O. Box 9637, Tulsa, OK. 74107. Pulp, Paper, and Related Products, from Collin County, TX; on the one hand, to points in CO., MO., & OK., on the other. Supporting shipper: Bowater Computer Forms, Inc., P.O. Box 133, Plano, TX. 75074.

MC 52480 (Sub-5-39TA), filed July 22, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, Tulsa, OK. 74107. Representative: Don E. Kruizinga, P.O. Box 9637, Tulsa, OK. 74107. Food and Related Products, from Galveston County, TX., to points in AR, CO, GA, IA, IL, KS, MO, NE, OK, TN, & TX. Supporting shipper: Castle and Cooke Foods 2900 Veterans Blvd., Metairie, LA. 70002.

MC 75281 (Sub-5-2TA), filed July 21, 1981. Applicant: BOOTHEEL TRANSPORTATION, INC., Hwy. 60 West, Sikeston, MO 63801. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338. Printing paper, including newsprint, from Harris County and Angelina County, TX, to Jefferson County (Louisville), KY. Supporting shipper: Standard Gravure, a subsidiary of Louisville Courier Journal & Times, 6th & Broadway Streets, Louisville, KY 40202.

MC 121625 (Sub-5-2TA), filed July 21, 1981. Applicant: ARK CITY EXPRESS, INC., 1201 South First Street, Arkansas City, KS 67005. Representative: Charles J. Kimball, 1600 Sherman St. No. 665, Denver, CO 80203. Common, Regular: General commodities, except Classes A and B explosives and hazardous waste, serving Manchester, OK and Kiowa, Hazelton and Hardtner, KS, as off-route points, in connection with the Applicant's present regular route operations. Supporting shippers: Manchester Manufacturing Co., Manchester, OK; Tucker Distributing Co., Inc., Kiowa, KS; and Winters Truck Lines, Inc.

MC 126045 (Sub-5-9TA), filed July 22, 1981. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 1010 South Farragut Street, Davenport, IA 52808. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Salt, between pts in Scott and Muscatine Counties, IA, and Rock Island County, IL, on the one hand, and, on the other, pts in IL, IA and WI. Supporting shipper: International Salt Co., Clarks Summit, PA 18411.

MC 135399 (Sub-5-4TA), filed July 21, 1981. Applicant: HASKINS TRUCKING, INC., P.O. Drawer 7729, Longview, TX 75602. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104. Charcoal, charcoal briquettes, vermiculite, activated carbon, hickory chips, lighter fluid, charcoal grills, and accessories, materials, equipment and supplies used in the manufacture and distribution thereof (except commodities in bulk) from White City, OR to points in CA, AZ, UT, NV, CO, WY, ID and WA. Supporting shipper: Husky Industries, Inc., 62 Perimeter Center East, Atlanta, GA 30348.

MC 146553 (Sub-5-14TA), filed July 22, 1981. Applicant: ADRIAN CARRIERS, INC., 1822 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. Kitchen cabinetry, and parts and attachments of same, from the facilities of Brammer Manufacturing Co. at Davenport, IA to all pts in the U.S. Supporting shipper(s): Brammer Manufacturing Co., 1701 Rockingham Road, Davenport, IA 52808.

MC 147676 (Sub-5-9TA), filed July 21, 1981. Applicant: KEATON TRUCK LINES, INC., P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington, P.O. Box 1187, Texarkana, TX 75504. Contract: Irregular. Bakery Products and all items used in the preparation of bakery products between the facilities of Sta-Fresh Buns, Inc. at or near Texarkana, AR and Atlanta, GA; on the one hand, and points in AZ, CO, FL, IA, KY, MA, MI, MO, NC, NV, ND, NM, OR, PA, SC, TN, WA, WI, on the other. Supporting shipper: Sta-Fresh Buns, Inc., 1940 Will Ross Court, Chamblee, GA 31341.

MC 147676 (Sub-5-10TA), filed July 21, 1981. Applicant: KEATON TRUCK LINES, INC., P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington, P.O. Box 1187, Texarkana, TX 75504. Foodstuffs and Related Products between the facilities of Rainbo Foods, Inc. in Bowie Co., TX and Stone County, MS on the one hand, and points in AL, GA, IL, MS, NJ, TX, and TN on the other. Supporting shipper: Rainbo Foods, Inc., 5635 Powell, Harahan, LA 70123.

MC 155053 (Sub-5-2TA), filed July 21, 1981. Applicant: B & S TRANSPORTATION, a Division of Bryant's Trucking of Franklinton, Route 2, Box 175B, Franklinton, LA 70438. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. General

Commodities between points in the U.S. under continuing contracts with Piper Industries, Inc., Memphis, TN.

MC 155221 (Sub-5-2TA), filed July 22, 1981. Applicant: ALL SERVICE TRANSPORTATION, INC., P.O. Box 2167, Hereford, Texas 79045. Representative: Timothy Mashburn, P.O. Box 2207, Austin, Texas 78768. (1) *malt beverages and related advertising materials and (2) empty used beverage containers and materials and supplies used in and dealt with by breweries* between points in Jefferson County, CO, on the one hand, and, on the other, points in LA, MS, TN and TX. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 61396 (Sub-5-14TA), filed July 23, 1981. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, NE 68103. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. *General commodities (except Classes A & B explosives)* between pts in the U.S. RESTRICTION: Restricted to traffic originating at or destined to facilities utilized by ConAgra, Inc., and its subsidiaries. Supporting shipper: ConAgra, Inc., 200 Kiewit Plaza, 36th and Farnam, Omaha, NE 68131.

MC 140635 (Sub 5-13TA), filed July 23, 1981. Applicant: ADAMS LINES, INC., 2619 "N" Street, Omaha, NE 68107. Representative: John L. Hornung (same address as applicant). (1) *Commodities as are dealt in by grocery, hardware, and drug business houses; cleaning and building maintenance supplies; swimming pool, Spa, and hot tub products; chemicals, and (2) materials, equipment and supplies used in the manufacture, sale, and distribution of the commodities named in (1) above (except bulk)*. Between the facilities of the Purex Corporation located at (1) Omaha, NE and St. Louis, MO; Chicago, IL; Batavia, IL; Roanoke, VA; Bristol, PA; Denver, PA; (2) Chicago, IL and pts in the commercial zone of Los Angeles, CA, (3) St. Louis, MO and pts in CO, IA, MN, NE, KS, SD, ND. Supporting shipper: Purex Corp. 6901 McKissock Ave., St. Louis, MO 63147.

MC 140665 (Sub 5-71TA), filed July 23, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Ann Holcombe, P.O. Box 786, Ravenna, OH 44266. *Rubber articles, plastic articles and rubber materials and equipment, materials and supplies used in the manufacturing and distribution of these commodities*, between the facilities of Entek Corporation of America at or near Irving, TX, on the one hand, and, on the other, points in the United States

(except AK and HI). Supporting shipper: Entek Corporation of America, P.O. Box 61048, Dallas, TX 75261.

MC 140665 (Sub 5-72TA), filed July 24, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Ann Holcombe, P.O. Box 786, Ravenna, OH 44266. *Chemicals and glassware and materials and supplies used in the production and distribution thereof*, between points in Jay County, IN, and Fairfield County, OH, on the one hand, and, on the other, points in the U.S. Supporting shipper: Indiana Glass Company, P.O. Box 118, Dunkirk, IN 47336.

MC 143568 (Sub 5-2TA), filed July 23, 1981. Applicant: SIMMONS TRUCKING, INC., P.O. Box 71, Glenwood, MO 63541. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, Mo 64105, (816) 221-1464. Contract: irregular. *General commodities (except classes A and B explosives and household goods as defined by the Commission)* between St. Louis, MO, on the one hand, and, on the other, all points in the U.S. pursuant to contract with So-Good Potato Chip Co. Supporting shipper: So-Good Potato Chip Co., 4190 Hoffmeister, St. Louis, MO 63125.

MC 144117 (Sub 5-11TA), filed July 24, 1981. Applicant: TLC LINES, INC., 1686 Fabick Drive, Fenton, MO 63026. Representative: Jack H. Blanshan, Attorney at Law, 205 W. Touhy Ave., Suite 200-A, Park Ridge, IL 60068. *Paper, paper products and printed matter (1) from the facilities of Ivy Hill Communications at Terre Haute, IN, and points in its commercial zone to Los Angeles and Santa Maria, CA, and points in their commercial zones, and (2) from the facilities of Ivy Hill Communications at Los Angeles, CA, and points in its commercial zone to El Paso, TX, and points in its commercial zone.* Supporting shipper: Ivy Hill Communications, P.O. Box 3189, Terre Haute, IN 47803.

MC 146442 (Sub-5-3TA), filed July 24, 1981. Applicant: CLEARFIELD TRANSPORTATION COMPANY, INC., P.O. Box 313, Clinton, MO 64735. Representative: Mark J. Andrews, Suite 1100, 1660 L Street, NW., Washington, D.C. 20036. Contract: irregular. *Retread rubber, materials and supplies; and pneumatic tires*, from Findlay, OH, and commercial zone, to Fort Smith, AR, Springdale, AR, Jacksonville, FL, Atlanta, GA, Baton Rouge, LA, Minden, LA, Cabool, MO, Clinton, MO, St. Louis, MO, Jackson, MS, Tulsa, OK, Memphis, TN, Dallas, TX, and Texarkana, TX, and their commercial zones, under continuing contract(s) with Hercules

Tire & Rubber Co., Inc. Supporting shipper: Hercules Tire & Rubber Co., Inc., 1300 Morrical Blvd., Findlay, OH 45840.

MC 146852 (Sub-5-1TA), filed July 23, 1981. Applicant: LINDSEY M. ROBISON, d.b.a. MIDWEST CARPET CARRIERS, 1219A East Division, Springfield, MO 65803. Representative: Lindsey M. Robison (same address as applicant). *Floor and wall covering and materials and supplies used in installation, and materials and supplies used in the manufacturing of the above* between points in GA, AL, KS, and OK. Supporting shippers: 7.

MC 150088 (Sub-5-15TA), filed July 23, 1981. Applicant: STERLING TRANSPORT DIVISION, INC., 2005 South Great Southwest Parkway, Grand Prairie, Texas 75051. Representative: Robert K. Frisch, Brown & Walker, 2711 Valley View Lane, Suite 101, Dallas, Texas 75234. Contract: irregular. *Garments on hangers and wearing apparel* between points in the U.S. pursuant to continuing contract with Sterling Apparel Systems, Inc.

MC 153133 (Sub-5-10TA), filed July 24, 1981. Applicant: TRANS AMERICAN TRANSPORTATION SYSTEMS, INC., 811 Jackson Street, Suite 108, Richmond, TX 77469. Representative: C. Thomas Stradley, II, P.O. Box 861, Richmond, TX 77469. *Processed and nonprocessed animal hides, and products used in the processing and distribution of animal hides* between points in the U.S., excluding HI and AK with traffic restricted for the account of North American Hide Exporter Inc., Houston, TX.

MC 154768 (Sub-5-9TA), filed July 23, 1981. Applicant: IOWA EXPRESS DISTRIBUTION, INC., 2165 N.W. 108th, Des Moines, IA 50322. Representative: Harold W. Sternberg, 2165 N.W. 108th, Des Moines, IA 50322. Contract: irregular. *Such commodities as bubble gum, toys, shoes, and material sold in department stores*, (1) between all pts in IA, (2) between all pts in IA, on the one hand, and, on the other, Omaha, NE, under continuing contract(s) with J. T. B. Associates. Supporting shipper: J. T. B. Associates, P.O. Box 216, Douglassville, PA 19518.

MC 155941 (Sub-5-2TA), filed July 23, 1981. Applicant: DROKE BROTHERS TRUCKING, INC., Route 1, Hornersville, MO 63855. Representative: E. Lewis Coffey (same as applicant). *General commodities (except articles of unusual value, classes A & B explosives, households, goods, commodities in bulk, and those requiring special equipment)* between Evansville and Mt. Vernon, IN;

Springfield, MO; and all points in TX. Supporting shipper: Mead Johnson and Company, Evansville, IN 47721.

MC 156488 (Sub-5-1TA), filed July 23, 1981. Applicant: CONTRANS, INC., 6716 Berger, Kansas City, KS 66111. Representative: Donald J. Quinn, Commerce Bank Building, 8901 State Line, Suite 232, Kansas City, MO 64114. (1) *Plastic and rubber articles* (2) *Metal products and petroleum* (1) between Tulsa County, OK, Jackson County, MO and Wyandotte and Johnson County, KS, on the one hand, and, points in the US on the other hand, (2) between Kansas City, MO on the one hand, and, points in the US on the other hand. Supporting shippers: (1) Western Forms, Inc., Kansas City, MO; (2) Simpson Plastics, Tulsa, OK; (3) Sewall Plastics, Kansas City, KS; (4) General Poly Corp., Kansas City, KS.

Note.—Applicant intends to interline.

MC 157288 (Sub-5-1TA), filed July 23, 1981. Applicant: HAGGARD TRUCK LINES, INC., P.O. Box 1736, Gonzales, LA 70737. Representative: Janet Boles Chambers, 8211 Goodwood Boulevard, Suite C-2, Baton Rouge, LA 70806. *Machinery, equipment, materials, and supplies, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, between all points in the State of LA below LA Highway 190 on the one hand and, on the other, points in the States of TX, OK, MS, AL, FL, and AR.* Supporting shippers: 11.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 52793 (Sub-6-17TA), filed July 17, 1981. Applicant: BEKINS VAN LINES CO., 3090 Via Mondo, Compton, CA 90221. Representative: Jeffrey R. Graves, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Plastic articles, equipment and supplies used in the manufacture and distribution of plastic articles between the facilities of Mobil Chemical Co., located at or near Bakersfield, CA; Covington, GA; Canandaigua, NY; Frankfort, IL; Lowell, MA; Macedon, NY; Shawnee, OK; Jacksonville, IL; Stratford, CT; Temple, TX; Washington, NJ; Holyoke, MA; Joliet, IL; Santa Ana, CA; on the one hand, and, on the other, all points in the*

U.S. except AK and HI, for 270 days. Supporting shipper: Mobil Chemical Co., Macedon, NY, 14502.

MC 52793 (Sub-6-18TA), filed July 20, 1981. Applicant: BEKINS VAN LINES CO., 3090 Via Mondo, Compton, CA 90221. Representative: Jeffrey R. Graves, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Furniture (mattresses, box springs and convertible sofa beds), batting, wadding and padding from Hamilton County and Columbiana County, OH, and Laurel County, KY to ME, VT, NH, CT, MA, RI, NJ, MD, DE, DC, VA, NC and SC for 270 days.* Supporting shipper: Stearns & Foster Company, Wyoming and Williams Sts., Lockland, OH 42515.

MC 129219 (Sub-6-5TA), filed July 15, 1981. Applicant: CMD TRANSPORTATION, INC., 12340 S.E. Dumolt Rd., Clackamas, OR 97015. Representative: Philip C. Skofstad, 529 S.E. Grand Ave., Portland, OR 97214. *Contract carrier, Irregular routes: Such commodities as are dealt in or used by agricultural equipment, industrial equipment and lawn and leisure product dealers* (1) between Multnomah County, OR on the one hand, and, on the other, points in WA, ID, MT, CA, CO, UT, NV and WY, and (2) between San Joaquin and Sacramento Counties, CA on the one hand, and, on the other, points in OR, WA, ID, UT, AZ, WY, CO and NV for the account of John Deere Company for 270 days. Supporting shipper: John Deere Company, P.O. Box 20098, Portland, OR 97220.

MC 157215 (Sub-6-1TA), filed July 20, 1981. Applicant: CROSBY & OVERTON, INC., 20245 76th Ave. S., Kent, WA 98031. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Hazardous Waste Materials, between points in WA, OR, CA, AZ, NV, ID, MT and UT for 270 days.* An underlying ETA seeks 120 days authority. Supporting shippers: There are 6 shippers. Their statements may be examined at the Regional Office listed.

MC 115826 (Sub-6-22TA), filed July 15, 1981. Applicant: W. J. DIGBY, INC., 6015 E. 58th Ave., Commerce City, CO 80022. Representative: Mark A. Davidson, 1600 Sherman St. #685, Denver, CO 80203. (1) *Contract, Irregular: such commodities as are dealt in by manufacturers and operators of computer materials, equipment and Supplies for seismic surveys, between points in and west of SD, ND, NE, KS, OK and TX under continuing contract(s) with Amoco Production Company of Denver, CO*.* Supporting shipper: Amoco Production

*For 270 days. An underlying ETA seeks authority for 120 days.

Company, 17th & Broadway, Room 1132, Denver, CO 80202.

MC 152330 (Sub-6-5TA), filed July 20, 1981. Applicant: GLACIER CARRIERS, P.O.B. 490, Columbia Falls, MT 59912. Representative: John T. Wirth, 717 17th St., Ste 2600, Denver, CO 80202. *Contract carrier, irregular routes: Machinery and metal products, between Mankato, MN and Michigan City, IN on the one hand, and, on the other, points in and west of TX, OK, KS, NE, ND and SD under continuing contract(s) with Year 'A' Round Cab Corp. of Mankato, MN and Sullair Corp. of Michigan City, IN for 270 days.* Supporting shippers: Year 'A' Round Cab Corp., Box 2075, Hwy 169 North, Mankato, MN 56001; Sullair Corp., 3700 E. Michigan Blvd., Michigan City, IN 46360.

MC 150756 (Sub-6-4 TA), filed July 20, 1981. Applicant: GUTHMILLER TRUCKING, INC., 30700 Dyer St., Union St., Union City, CA 94587. Representative: Eldon M. Johnson, 650 California St., Suite 2008, San Francisco, CA 94108. *Empty metal cans and closures, from Lacey, WV, to points in CA, for 270 days.* An underlying ETA seeks 120 days authority. Supporting shipper: Continental Can Co., U.S.A., 155 Bovet Rd., San Mateo, CA 94402.

MC 157216 (Sub-6-1 TA), filed July 20, 1981. Applicant: HUHA TRUCKING, 2016 Low Rd., El Centro, CA 92243. Representative: Miles L. Kavalier, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90210. *Contract carrier, irregular routes, materials and supplies used in the manufacture of bakery products, from Billings and Great Falls, MT, and Three Rivers, MN, to Sanger, CA. Under contract with Soojian, Inc. d.b.a. AK-Mak Bakeries, for 270 days.* Supporting shipper: Soojian, Inc. d.b.a. AK-Mak Bakeries, 89 Academy, Sanger, CA 93657.

MC 156444 (Sub-6-1 TA), filed July 15, 1981. Applicant: IT TRANSPORTATION CORP., 336 W. Anaheim St., Wilmington, CA 90744. Representative: James A. Junge, 4575 Pacheco Blvd., Martinez, CA 94553. *Hazardous and potentially hazardous waste and PCB (Polychlorinated biphenyl) for disposal from points in CA to El Dorado, AR and Mobile, AL. An underlying ETA seeks 120 days authority.* Supporting shipper(s): Port of San Francisco, Ferry Bldg., San Francisco, CA 94111; Del Monte Corp., P.O. Box 3575, San Francisco, CA 94119; Champlin Petroleum Co., 429 Ford Ave., Wilmington, CA 90744; Sherwin Williams Co., 1450 Sherwin Ave., Emeryville, CA 94608; Hewlett-Packard

Co., 3500 Deer Creek Rd., Palo Alto, CA 94304.

MC 119634 (Sub-6-7 TA), filed July 20, 1981. Applicant: DICK IRVIN, INC., Hwy 2 W., POB F, Shelby, MT 59474. Representative: Mark A. Cole (same address as applicant). *Clay, concrete, stone and glass products*, between points in Gallatin County, MT, on the one hand, and, on the other points in Salt Lake and Morgan Counties, UT, for 270 days. Supporting shipper: Ideal Basic Industries, P.O. Box 2095, Billings, MT 59103.

MC 150438 (Sub-6-3 TA), filed July 20, 1981. Applicant: JAFCO INDUSTRIES, INC., 8015 N. Market St., Spokane, WA 99220. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract carrier, irregular routes, Edible Grains and Food Related Products*, from WA to CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Nabisco, Inc., East Hanover, NJ 07936.

MC 152109 (Sub-6-6TA), filed July 14, 1981. Applicant: KAIBAB TRANSPORTATION, INC., P.O. Box 20506, Phoenix, AZ 85036. Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 1000, Washington, D.C. 20036 *Contract carrier, Irregular: General commodities (except Classes A & B explosives and hazardous waste materials)* from points in CA, NV, ID, UT, CO, AZ, NM, and TX to points in Navajo, Apache, Gila, Conconino, Mohave, and Yavapai Counties AZ for the account of Babbitt Brothers Trading Company, Flagstaff, AZ for 270 days. Supporting shipper: Babbitt Brothers Trading Company, P.O. Box 1328, Flagstaff, AZ 86002.

MC 149036 (Sub-6-4TA), filed July 15, 1981. Applicant: MAHAFFEY'S WAREHOUSE, INC., P.O. Box 317, Yellow Jacket, CO 81335. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. *Beer*, from Omaha, NE to Grand Junction CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hub Distributing Co., Inc., 131 No. Spruce, Grand Junction, CO 81501.

MC 135705 (Sub-6-2TA), filed July 17, 1981. Applicant: MELROSE TRUCKING CO., INC., 2671 S. Robertson Rd., Casper, WY 82601. Representative: Kim Melrose (same as applicant). *Barite, Bentonite, Cement, Gilsontite, and other dry chemicals and related products* in bulk, in pneumatic tanks and in sacks, non radially in the Continental U.S. in and west of ND, SD, NE, KS, OK, TX, and LA, for 270 days. Supporting shipper(s): There are six supporting

shippers. Their statements may be examined at the Regional Office listed.

MC 157218 (Sub-6-1TA), filed July 20, 1981. Applicant: BERNIE ROBINSON, d.b.a. NATIVE TRUCKING OF COLORADO, 2561 G 1/2 Rd., Grand Junction, CO 81501. Representative: Bernie Robinson (same as above) (1) *Beer*, and (2) *equipment, materials, and supplies* used in the sale, transportation, and distribution of beer between Tarrant County, TX and Mesa County, CO (and points in their commercial zones), for 270 days. Supporting shipper(s): Hi-Country Sales, 1435 Fourth Ave. So., Grand Junction, CO 81501.

MC 138732 (Sub-6-10TA), filed July 20, 1981. Applicant: OSTERKAMP TRUCKING, INC., P.O.B. 5548, Orange, CA 92667. Representative: Michael R. Eggleton, 5 Crow Canyon Ct., #200, San Ramon, CA 94583. *Metal Products*, between points in Box Elder County, UT, and points in AZ, CA, DC, ID, MT, NV, NM, OR, WA and WY, for 270 days. Supporting shipper: Nucor Corporation, 4425 Randolph Rd., Charlotte, NC 28211.

MC 149100 (Sub-6-8TA), filed July 20, 1981. Applicant: JIM PALMER TRUCKING, a corporation, 9730 Derby Drive, Missoula, MT 59801. Representative: William E. Seliski, 2 Commerce St. POB 8255, Missoula, MT 59807. *Such commodities as are dealt in by tire stores* from Madison County, AL and Erie County, NY to Missoula County, MT and Multnomah County OR for 270 days. Supporting shipper: Lutz Tire Company, Inc., 1631 N.W. Thurman, Portland, OR 97209.

MC 157217 (Sub-6-1TA), filed July 20, 1981. Applicant: GARY PUTNAM, d.b.a. GARY PUTNAM TRUCKING, 4716 Alpine Dr., Klamath Falls, OR 97601. Representative: (same as applicant). *Lumber mill products, wall board and siding*; between points in OR, WA and CA for 270 days. Supporting shippers: Pine-Lam, Inc. 320 Klamath Ave., Klamath Falls, OR 97601; DG Shelter Products-Klamath Division, P.O. Box 127, Klamath Falls, OR 97601; Sturdi-Craft, Inc., 2742 Homedale Rd., Klamath Falls, OR 97601.

MC 156877 (Sub-6-1TA), filed July 20, 1981. Applicant: WHITED TRANSPORTATION COMPANY, P.O.B. 593, Paramount, CA 90723. Representative: Miles L. Kavalier, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Contract Carrier, Irregular routes: Such commodities as are usually dealt in by retail home improvement stores and building materials*, from Magnolia, AR; Hartford, CT; Atlanta and Dalton, GA; Salem, NJ; Buffalo, NY; and Johnson City and Memphis, TN, to

points in Los Angeles, Escondido, San Jose and Sacramento, CA; and Glendale, AZ, for 270 days. Supporting shipper: Bulter-Johnson Corporation-San Jose, 1480 Nicora Ave., San Jose, CA 91533; Butler-Johnson Corporation-Los Angeles, 6925 Downey Ave., Paramount, CA 90723.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-22402 Filed 7-31-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Membership of the Department of Justice's Performance Review Boards

AGENCY: Department of Justice.

ACTION: Notice of the Department of Justice's 1981 Performance Review Boards.

SUMMARY: Pursuant to the requirement of 5 U.S.C. 4314(c)(4), the Department of Justice announces the membership of its Performance Review Boards. The purposes of the Performance Review Boards are to provide fair and impartial review of Senior Executive Service performance appraisals and to make recommendations to the Deputy or Associate Attorney General regarding the ratings.

FOR FURTHER INFORMATION CONTACT: Mr. Warren Oser, Director, Personnel and Training Staff, Justice Management Division, Department of Justice, Washington, D.C. 20530. Telephone: 633-3221.

Harry H. Flickinger,
Executive Secretary, Senior Executive
Resources Board.

Board No. 1

Justice Management Division, Office of the Attorney General, Office of the Deputy Attorney General, Office of the Associate Attorney General

Principal Members

Anthony C. Liotta, Deputy Assistant Attorney General, Land and Natural Resources Division
J. D. Williams, Assistant Director, Correctional Programs, Federal Prison System
William Bryson, Chief, Appellate Section, Criminal Division

Alternate Members

David Margolis, Chief, Organized Crime and Racketeering Section, Criminal Division
Jonathan Cohen, Special Litigation Counsel, Appellate Section, Tax Division

Board No. 2

Criminal Division, Community Relations Service, Office of Public Affairs, Office of Intelligence Policy Review, Office of Legal Policy, Executive Office for U.S. Attorneys

Principal Members

Mark P. Leddy, Deputy Director, Office of Operations, Antitrust Division
Edward M. Vellines, Senior Assistant Chief, Criminal Section, Tax Division
William D. Van Stavoren, Deputy Assistant Attorney General, Justice Management Division

Alternate Members

Peter R. Steenland, Chief, Appellate Section, Land and Natural Resources Division
Brian K. Landsberg, Deputy Assistant Attorney General, Civil Rights Division

Board No. 3

Civil Division, Office of the Solicitor General, U.S. Marshals Service

Principal Members

M. Lynn Walker, Chief, Special Litigation Section, Civil Rights Division
David L. Milhollan, Chairman, Board of Immigration Appeals, Board of Immigration Appeals
Richard E. Carter, Director, Office of Legal Education, Executive Office for U.S. Attorneys

Alternate Members

Walter R. Burkhart, Assistant Director, National Institute of Justice, Office of Justice Assistance, Research and Statistics
James P. Turner, Deputy Assistant Attorney General, Civil Rights Division

Board No. 4

Antitrust Division, Office of Legal Counsel, Office of Legislative Affairs

Principal Members

Gary R. Mote, Assistant Director, Planning and Development, Federal Prison System
John Murray, Deputy Assistant Attorney General, Tax Division
Jo Ann Harris, Chief, Fraud Section, Criminal Division

Alternate Members

Andrew J. Carmichael, Associate Commissioner, Examinations, Immigration and Naturalization Service
Charles R. Neill, Deputy Assistant Attorney General, Office of the Controller, Justice Management Division

Board No. 5

Immigration and Naturalization Service, Civil Rights Division

Principal Members

Rhoda Mancher, Deputy Assistant Attorney General, Office of Litigation and Management Systems, Justice Management Division
J. Patrick Glynn, Chief, Consumer Affairs Section, Antitrust Division
Benjamin H. Renshaw, Deputy Director, Office of Justice Assistance, Research and Statistics, Office of Justice Assistance, Research and Statistics

Alternate Members

Myles Flint, Chief, General Litigation Section, Land and Natural Resources Division
Alfred S. Regnery, Deputy Assistant Attorney General, Land and Natural Resources Division

Board No. 6

Tax Division, Land and Natural Resources Division

Principal Members

Robert N. Ford, Deputy Assistant Attorney General, Civil Division
John W. Clark, Chief, Special Trial Section, Antitrust Division
Gerald M. Farkas, Associate Commissioner, UNICOR, Federal Prison Industries, Inc.

Alternate Members

Z. Stephen Grzegorek, Director, Northeast Region, Federal Prison System
Doris M. Meissner, Acting Deputy Commissioner, Immigration and Naturalization Service

Board No. 7

Federal Prison System, Office of Justice Assistance, Research and Statistics

Principal Members

Edward Haywood, Director, Mid-Atlantic Region, Community Relations Service
Jane A. Restani, Branch Director, Frauds, Civil Division
David Crosland, General Counsel, Immigration and Naturalization Service

Alternate Members

Edward S. Dennis, Jr., Chief, Narcotic and Dangerous Drug Section, Criminal Division
John Farley, Branch Director (Torts), Civil Division

[FR Doc. 81-22457 Filed 7-31-81; 8:45 am]

BILLING CODE 4410-01-M

Clean Water Act; Proposed Consent Decree; Gulf Coast Waste Disposal Authority, et al.

In the matter of notice of proposed consent decree in action for penalties and injunctive relief for violations of National Pollutant Discharge Elimination Permit No. TX0052591 and the Clean Water Act, 33 U.S.C. 1351, et seq.

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States of America v. Gulf Coast Waste Disposal Authority, et al.*, No. H-80-484, was lodged with the United States District Court for the Southern District of Texas. The proposed consent decree requires the defendant to pay a penalty of \$31,000.00 for violations of the Clean Water Act, regulations promulgated thereunder and its permit. In addition, defendant, Crown Central Petroleum Corporation, is required to pay a penalty of \$10,000.00. Finally, the parties set forth in the consent decree certain guidelines to be used in issuing future permits to Gulf Coast. Said guidelines are subject to applicable statutes and regulations promulgated thereunder.

The Department of Justice will receive written comments until September 2, 1981. Comments should be addressed to the Deputy Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States v. Gulf Coast Waste Disposal Authority, et al.* (D.J. Ref. No. 90-5-1-1-1228).

The proposed consent decree may be examined at the Clerk's Office, United States Courthouse and Federal Building, 515 Rusk Avenue, Houston, Texas; and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1254, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice.

Anthony C. Liotta,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-22456 Filed 7-31-81; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

United States v. New York County Lawyers' Association; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16(b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS), as set forth below, have been filed with the United States District Court for the Southern District of New York in *United States of America v. New York County Lawyers' Association*, 80 Civ. 6129. The Complaint in this case alleged that the New York County Lawyers' Association and various unnamed co-conspirators engaged in a combination and conspiracy, in violation of the Sherman Act, 15 U.S.C. § 1, to restrain trade in the provision of trusts and estates services rendered by corporate fiduciaries in competition with attorneys-at-law. The proposed Consent Judgment enjoins the defendant from proposing, entering into or implementing any contract, combination, conspiracy or agreement, understanding, plan, or concert of action with any corporate fiduciary or any representative thereof which relates to the trusts and estates activities of a corporate fiduciary in its advertising or provision of services in connection with being appointed or serving as an executor of a decedent's estate or a trustee of a trust. The proposed Judgment further enjoins the defendant from unilaterally adopting, promulgating, publishing, or seeking adherence to any statement of principles, code of ethics or other guide, rule or standard which restricts or governs, or delineates as proper or improper, practices or activities of corporate fiduciaries in their advertising or provision of services in connection with being appointed or serving as an executor of a decedent's estate or trustee of a trust.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the *Federal Register* and filed with this Court. Comments should be directed to Ralph T. Giordano, Chief, New York Office, Antitrust Division, Department of Justice, Room 3630, 26 Federal Plaza, New York, New York 10278, Telephone 212-264-0390. Joseph H. Widmar, Director of Operations.

United States District Court, Southern District of New York: *United States of America, Plaintiff, v. New York County Lawyers' Association, Defendant*; 80 Civ. 6129 (LBS). Filed: July 21, 1981.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to either party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on Defendant, New York County Lawyers' Association, and by filing that notice with the Court.

2. In the event Plaintiff withdraws its consent, or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to Plaintiff and Defendant, New York County Lawyers' Association, in this or any other proceeding.

Dated:

For Plaintiff:

William F. Baxter,
Assistant Attorney General.
Mark Leddy,
Ralph T. Giordano,
Attorneys, Department of Justice.

For Defendant:

Marshall Cox,
Cahill Gordon & Reindel, Eighty Pine Street,
New York, New York 10005 (212) 825-0100.
Douglas C. Foerster,
Charles V. Reilly,
Sharon C. Kennedy,
Anne Pollaro,
Attorneys, Department of Justice, Antitrust
Division, Room 3630, 26 Federal Plaza, New
York, New York 10278 Telephone: (212) 264-
0661.

United States District Court, Southern District of New York: *United States of America, Plaintiff, v. New York County Lawyers' Association, Defendant*; 80 Civ. 6129 (LBS).

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on October 28, 1980, and Defendant, New York County Lawyers' Association, having appeared by its attorneys and answered, and the parties hereto, by their respective attorneys, having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or any admission

by either party in respect to any such issue:

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

Ordered, adjudged and decreed as follows:

I

This court has jurisdiction over the subject matter of this action and of the parties hereto. The complaint states a claim upon which relief may be granted against Defendant under Section 1 of the Sherman Act (15 U.S.C. 1).

II

As used in this Final Judgment:

(A) "Person" means any individual, partnership, firm, association, corporation, or other business or legal entity.

(B) "Defendant" means the New York County Lawyers' Association.

(C) "Corporate fiduciary" means any bank, trust company or other corporation which is authorized under Federal law or the law of the State of New York to serve as executor of a decedent's estate or as the trustee of a trust.

III

This Final Judgment applies to Defendant and to each of its officers, directors, committees, other organizational units, agents, employees, successors and assigns, and to all persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise. For purposes of this Section III, a member of Defendant shall not be deemed to be in active concert or participation solely by virtue of his or her membership.

IV

Defendant is enjoined and restrained from directly or indirectly:

A. Proposing, entering into, adhering to, implementing, or enforcing any contract, combination, conspiracy, agreement, understanding, plan, or concert of action with any corporate fiduciary or any representative thereof which, directly or indirectly, relates to the activities of a corporate fiduciary or any other person in (1) being or seeking to be appointed, providing services or acting as an executor of a decedent's estate or a trustee of a trust, or (2) advertising, or furnishing materials about, its availability to be appointed, provide services or act as an executor of

a decedent's estate or a trustee of a trust.

B. Adopting, promulgating, publishing or seeking adherence to any statement of principles, code of ethics or other guide, rule or standard which restricts or governs, or delineates as proper or improper, practices or activities of corporate fiduciaries with respect to (1) being or seeking to be appointed, providing services or acting as executor of a decedent's estate or trustee of a trust or (2) advertising, or furnishing materials about, their availability to be appointed, provide services or act as executor of a decedent's estate or trustee of a trust.

V

Nothing in this Final Judgment shall be construed to prevent:

(A) A lawyer or firm, acting alone, from giving legal advice to a client, or from otherwise expressing an opinion, concerning unlawful practice of the law; or

(B) Defendant from (1) exercising any of its powers under the statutes of the State of New York and the Rules of Practice of the Appellate Division, First Department, of the Supreme Court of the State of New York; (2) entering into any settlement or otherwise compromising any lawsuit brought by or against Defendant relating to the unlawful practice of law; (3) stating in response to a specific inquiry from a person engaged in particular activities that Defendant does not intend to make a complaint or file an action alleging that such activities constitute the unlawful practice of law; or stating that it is unable to state that it does not intend to make such a complaint or bring such an action; (4) expressing its views on any matter to the legislature, executive branch, administrative agencies, courts and other governmental bodies of the State of New York or any other jurisdiction; or (5) stating or expressing its opposition to any actions by corporate fiduciaries or any other persons which are expressly prohibited by the law of the State of New York or which are held by the Supreme Court or any appellate court of the State of New York to constitute the unlawful practice of law.

VI

Defendant is ordered and directed:

(A) Within sixty (60) days from the date of entry of this Final Judgment,

(1) To spend a copy of this Final Judgment to each current member of the Corporate Fiduciaries Association of New York City; and

(2) To deliver a copy of this Final Judgment to each of its officers,

directors, and committee chairpersons, and for a period of ten (10) years from the date of its entry, to each successor to any one of these officers and directors and to each successor to the chairpersons of Defendant's Committee on Unlawful Practice of the Law and Committee on the Surrogate's Court and any successor committees.

(B) To publish the text of this Final Judgment, in the type size normally used for major articles, in Defendant's newsletter, no later than the first issue published within ninety (90) days after the date of entry of this Final Judgment.

(C) To file with this Court and serve upon Plaintiff within ninety (90) days from the date of entry of this Final Judgment an affidavit as to the fact and manner of compliance with subsection (A) and (B) of this Section VI.

VII

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Defendant made to its principal office, be permitted:

(1) Access during office hours to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of Defendant, which may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of Defendant, and without restraint or interference from it, to interview officers, directors, employees and agents of Defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, made to Defendant's principal office, Defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section VII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance

with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by Defendant to Plaintiff, Defendant represents and identifies in writing the material in any such information or documents to which a claim for protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and Defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by Plaintiff to Defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which Defendant is not a party.

VIII

This Final Judgment shall have full force and effect for a period of ten (10) years from the date of its entry. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and direction as may be necessary or appropriate for the construction or carrying out of the Final Judgment, for the modification of any of the provisions hereof, for the enforcement or compliance therewith, and for the punishment of violations thereof.

IX

Entry of the Final Judgment is in the public interest. Entered:

Judge, United States District Court.

United States District Court, Southern District of New York: United States of America, Plaintiff, v. New York County Lawyers' Association, Defendant; 80 Civ. 6129 (LBS). Proposed final judgment: Competitive impact statement.

The United States of America, pursuant to Section 2 of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), submits this Competitive Impact Statement in connection with the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On October 28, 1980, the Government filed a civil antitrust complaint under Section 4 of the Sherman Act, 15 U.S.C. 4, alleging that the defendant and unnamed co-conspirators had, beginning as early as 1966 and continuing at least until August 1980, engaged in a continuing combination and conspiracy,

in violation of Section 1 of the Sherman Act, 15 U.S.C. 1, to restrict and to define the trust and estate services which corporate fiduciaries may provide to the public in competition with attorneys-at-law. A corporate fiduciary is a corporation, typically a bank or trust company, authorized by law to serve as executor of a decedent's estate or as the trustee of a trust. The Complaint alleged further that, as a result of the combination and conspiracy, competition in the trusts and estates business had been restrained; corporate fiduciaries had been limited, restricted, and impaired in their ability to advertise the availability of and to provide trust and estate services; corporate fiduciaries had been denied the opportunity freely to compete with attorneys-at-law in offering and providing services incident to appointment as executor or trustee; and the public had been deprived of the benefits of free and open competition in the trusts and estates business.

The Complaint sought an adjudication that the alleged combination and conspiracy was illegal, an injunction enjoining the defendant from continuing or renewing the alleged combination and conspiracy, and an injunction prohibiting the defendant from unilaterally adopting, or seeking adherence to any standards relating to the trust and estate activities of banks or trust companies or to the advertising of such services.

The Court's entry of the proposed Final Judgment will terminate the action, except that the Court will retain jurisdiction over the matter for possible further proceedings to construe or carry out the judgment, to modify any of its provisions, to enforce compliance with the judgment, or to punish violations of any of its provisions.

II

Description of the Practices Giving Rise to the Alleged Violation of the Antitrust Laws

The trusts and estates business involves the providing of services incident to appointment as executor of a decedent's estate or trustee of a trust, including the planning for the disposition, investment, and management of the assets of an estate or a trust. In New York County, the primary providers of trust and estate services incident to appointment as an executor or a trustee are attorneys-at-law and corporate fiduciaries. Attorneys-at-law and corporate fiduciaries compete in the providing of these services.

The defendant is a Bar Association organized under the provisions of the New York Not-For-Profit Corporation Law whose membership consists of licensed attorneys practicing, among other places, in New York County. The Corporate Fiduciaries Association of New York City is an unincorporated professional organization of member banks and trust companies doing business, among other places, in New York County.

In June 1966, the defendant entered into a written agreement with the Corporate Fiduciaries Association of New York City which delineated the spheres of activities of corporate fiduciaries and attorney-at-law with respect to the providing of trust and estate services. This agreement included prohibitions on the activities of corporate fiduciaries which do not constitute the practice of law under the law of the State of New York or which have not been adjudicated by the courts of New York State as constituting the practice of law.

The agreement, styled as a "Statement of Principles," prohibited corporate fiduciaries from, among other things, advertising that they offer services to the public in the planning of trusts, wills, inter vivos or testamentary dispositions; offering forms of wills or trust instruments to the public; and advising a prospective customer about any details of the individual's estate, except through or in the presence of the individual's legal counsel. Attorneys-at-law, under the Statement of Principles, were prohibited from seeking to displace a client's choice of a corporate fiduciary, except under compelling circumstances.

The agreement between the defendant and the Corporate Fiduciaries Association was enforced on various occasions either by resort to a Joint-Conference Committee which, according to the Statement of Principles, was established "in order to insure implementation of the principles," or by actions of the defendant's Unlawful Practice of the Law Committee.

In late July, 1980, several months after the Government's investigation of the defendant's activities in this field commenced, the defendant abrogated the Statement of Principles and confirmed this abrogation to the corporate fiduciaries in letters it sent to them in August and October, 1980.

III

Explanation of the Proposed Final Judgment

The Government and the defendant have stipulated that the proposed Final Judgment, in the form negotiated by the

parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The proposed Final Judgment states that it constitutes no admission by any party with respect to any issue of fact or law.

The proposed Final Judgment enjoins any direct or indirect continuation or renewal of the type of conspiracy alleged in the Complaint. Specifically, Section IV enjoins and restrains the defendant from proposing, entering into, adhering to, implementing, or enforcing any contract, combination, conspiracy, agreement, understanding, plan, or concert of action with any corporate fiduciary or any representative thereof which, directly or indirectly, relates to the activities of a corporate fiduciary or any other person in (1) being or seeking to be appointed, providing services or acting as an executor of a decedent's estate or a trustee of a trust, or (2) advertising, or furnishing materials about its availability to be appointed, provide services or act as an executor of a decedent's estate or a trustee of a trust.

Section IV also enjoins the defendant from adopting, promulgating, publishing, or seeking adherence to any statement of principles, code of ethics, or other guide, rule or standard which restricts or governs or delineates as proper or improper, practices or activities of corporate fiduciaries with respect to (1) being or seeking to be appointed, providing services or acting as executor of a decedent's estate or trustee of a trust or (2) advertising, or furnishing materials about, their availability to be appointed, provide services or act as an executor of a decedent's estate or trustee of a trust.

Section V of the proposed Final Judgment states that a lawyer or firm, acting alone, is not prevented by the judgment from giving legal advice to a client, or from otherwise expressing an opinion, concerning unlawful practice of the law, and allows five limited exceptions to the injunctive provisions of the judgment. First, the defendant is permitted to exercise any of its powers under the statutes of the State of New York and the Rules of Practice of the Appellate Division, First Department, of the Supreme Court of The State of New York. These powers relate to the defendant's right to initiate legal proceedings in cases involving alleged unlawful practice of the law. Second, the defendant is permitted to enter into any settlement or otherwise compromise any lawsuit brought by or against it relating to the unlawful practice of the law. Third, the defendant is permitted to state in response to a specific inquiry

from a person engaged in particular activities that the defendant does not intend to make a complaint or file an action alleging that such activities constitute the unlawful practice of law, or to state that it is unable to state that it does not intend to make such a complaint or bring such an action. Fourth, the defendant is permitted to express its views on any matter to the legislature, executive branch, administrative agencies, courts and other governmental bodies of the State of New York or any other jurisdiction. Fifth, the defendant is permitted to state or express its opposition to any actions by corporate fiduciaries or any other persons which are expressly prohibited by the law of the State of New York or which are held by the Supreme Court or any appellate court of the State of New York to constitute the unlawful practice of law.

Section VI of the proposed Final Judgment requires the defendant to publish the text of the Final Judgment in its newsletter, to send copies of the Final Judgment to each current member of the Corporate Fiduciaries Association of New York City and to deliver a copy of the Final Judgment to each of its officers, directors and committee chairpersons, and for a period of ten years, to each successor to any one of these officers and directors and to each successor to the chairpersons of its Committee on Unlawful Practice of the Law and Committee on the Surrogate's Court.

In addition, the proposed Final Judgment provides methods for determining the defendant's compliance with its terms. Section VII provides that, upon request of the Department of Justice, the defendant shall submit written reports, under oath, with respect to any of the matters contained in the Final Judgment. Additionally, the Department of Justice is permitted to inspect and copy all books and records, to interview officers, directors, employees and agents of the defendant.

Section VIII makes the Final Judgment effective for ten years from the date of its entry.

Section IX of the proposed Final Judgment states that entry of the judgment is in the public interest. Under the provisions of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditional upon a determination by the Court that the proposed judgment is in the public interest.

The Government believes that the proposed Final Judgment is fully adequate to prevent the continuation or recurrence of the violation of Section 1 of the Sherman Act alleged in the

Complaint, and that disposition of this proceeding without further litigation is appropriate and in the public interest.

IV

Remedies Available to Potential Private Plaintiffs

After entry of the proposed Final Judgment, any potential private plaintiff that might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal or equitable relief that it may have had if the Final Judgment had not been entered. The Final Judgment may not be used, however, as *prima facie* evidence in private litigation, pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

V

Procedures Available for Modification of the Proposed Final Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments within the 60-day period provided by the Act to Ralph T. Giordano, Chief, New York Office, Antitrust Division, United States Department of Justice, Room 3630, 26 Federal Plaza, New York, New York 10278. These comments and the Department's responses to them will be filed with the Court and published in the Federal Register.

All comments will be given due consideration by the Department of Justice. The Department remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification is necessary. Additionally, the proposed Final Judgment provides that the Court retains jurisdiction over this action, and that the parties may apply to the Court at any time during the life of the Final Judgment for interpretation, modification, or enforcement of its provisions.

VI

Alternatives to the Proposed Final Judgment

The alternative to the proposed Final Judgment considered by the Government was a full trial on the merits and on relief. The Government considers the proposed judgment to be of sufficient scope and effectiveness to make a trial unnecessary, since it provides appropriate relief against the violations alleged in the Complaint.

VII

Determinative Materials and Documents

No materials or documents were considered determinative by the Government in formulating the proposed Final Judgment. Consequently, none is being filed pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b).

Dated: New York, New York, July 1981.

Douglas C. Foerster,
Charles V. Reilly,
Sharon C. Kennedy,
Anne C. Pollaro,

Attorneys, Department of Justice, Antitrust Division, Room 3630, 26 Federal Plaza, New York, New York 10278, Tel. (212) 264-0661.

Office of the Attorney General

[Order No. 952-81]

Change in Preamble of Federal Standards for Prisons and Jails, December 16, 1980

By virtue of the authority vested in me by 5 CFR Section 301 I hereby change the Preamble of the *Federal Standards for Prisons and Jails* published by the Department of Justice on December 16, 1981. The Preamble to that publication was a statement by Attorney General Civiletti discussing the intended use for the federal standards. Because of the frequent confusion and occasional misinterpretation of the federal standards, a new statement of policy concerning this publication is in order. Effective today, the Preamble of *Federal Standards for Prisons and Jails*, December 16, 1980, is superseded by a new Preamble. The Department of Justice continues adherence to the standards, under the conditions specifically set forth in the new Preamble.

Preamble

The following standards are the product of discussions within the Department of Justice from April 1977 to December 1980. They borrow heavily from the standards developed by the American Correctional Association, through its Commission and Accreditation for Corrections, and from the standards of the American Bar Association, the American Medical Association, the American Public Health Association, and the American Institute of Architects as well. The standards are promulgated for the sole purpose of providing one set of advisory guidelines. Penal institutions are free to utilize these guidelines or not as they see fit;

however, it is our hope that these standards will find use as operational goals for all levels of government involved with corrections facilities.

Neither these standards, nor those promulgated by any of the foregoing groups, nor any other set of standards, is viewed by the Department of Justice as determinative of liability or necessary in imposing a remedy. Questions of compliance with the federal Constitution and other applicable federal law that might be raised in specific litigation should be decided on the basis of the circumstances in that individual case. And in the event of violations of law, remedies must be imposed that afford maximum discretion to a penal institution to bring its conditions up to an acceptable environment taken as a whole, rather than imposing this, or any other set of guidelines, as a precise prescription. These standards create no legally enforceable rights or expectations of any kind.

Failure to abide by these, or any other specific standards, carries no implication whatsoever as to whether the Department of Justice will prosecute a charge of constitutionally inadequate prison conditions. Such a determination must be made on constitutional criteria, with which these specific guidelines have no necessary correlation.

Dated: July 23, 1981.

William French Smith,
Attorney General.

[FR Doc. 81-22455 Filed 7-31-81; 8:45 am]

BILLING CODE 4410-01-M

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50-269, 50-270 and 50-287]

Duke Power Co.; Notice of Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 99, 99 and 96 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company, which revised the Technical Specifications (TSs) for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments revise the TSs to allow for testing the DC voltage systems for grounds.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the

Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated July 6, 1981, (2) Amendments Nos. 99, 99, and 96 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of July 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4,
Division of Licensing.

[FR Doc. 81-22545 Filed 7-31-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-322-CPA]

Long Island Lighting Co.; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to Commission order, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on request for hearing and to preside over the proceeding in the event that a hearing is ordered.

Long Island Lighting Company, Shoreham Nuclear Power Station, Unit 1,
Construction Permit No. CPPR-95

This action is in reference to an order of the Commission dated July 22, 1981 concerning an application by Long Island Lighting Company for an extension of its construction permit.

The Board is comprised of the following Administrative Judges:

Louis J. Carter, Chairman, 23 Wiltshire Road, Philadelphia, Pennsylvania 19151

Mr. Frederick J. Shon, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Oscar H. Paris, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Issued at Bethesda, Maryland this 27th day of July 1981.

Robert M. Lazo,

Vice Chairman—Executive, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-22546 Filed 7-31-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co. et al.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications for the facility to allow containment isolation of three reactor coolant pump support systems at 30 psig Reactor Building pressure vice 4 psig during Hot Functional Testing prior to Cycle 5 criticality.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 23, 1981, (2) Amendment No. 69 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of July 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4,
Division of Licensing.

[PR Doc. 81-22547 Filed 7-31-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-2937]

Pennsylvania Power & Light Co. and Allegheny Electric Cooperative, Inc.; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to Commission order, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

Pennsylvania Power & Light Co. and Allegheny Electric Cooperative, Inc.,
Susquehanna Steam Electric Station, Unit 1, Construction Permit No. CPPR-101

This action is in reference to an order of the Commission dated July 22, 1981, concerning an application for authority pursuant to 10 CFR Part 70 "to receive, possess, store, inspect and package for transport nuclear fuel bundles/assemblies" for use at Unit 1 of the Susquehanna Steam Electric Station.

The Board is comprised of the following Administrative Judges:

James P. Gleason, Chairman, 513
Gilmoure Drive, Silver Spring,
Maryland 20901

Mr. Glenn O. Bright, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Paul W. Purdom, 245 Gulph Hills
Road, Radnor, Pennsylvania 19087

Issued at Bethesda, Maryland this 24th day of July, 1981.

Robert M. Lazo,

Vice Chairman—Executive Atomic Safety
and Licensing Board Panel.

[PR Doc. 81-22546 Filed 7-31-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

July 29, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional Category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

Revisions

- Economics and Statistics Service
Prospective planning survey
Annually
Farms
Cash grain and field crop producers
SIC: 011 013
Small businesses or organizations
Agricultural research and services,
57,600 responses, 9,600 hours; \$424,000
Federal cost, 1 form, not applicable
under 3504(h)
Office of Federal Statistical Policy and
Standard, 202-673-7974

Provides data to estimate farmers' acreage intentions for the major spring crops in the 48 contiguous States and Alaska. Report gives information for adjusting their plans just prior to the planting season. Report used throughout government and agriculture for planning purposes.

Extensions (Burden Change)

- Rural Electrification Administration
Financial forecast—electric distribution systems
REA 325 (A-K)
On occasion
Businesses or other institutions
REA electric borrowers
Small businesses or organizations
Energy supply, 500 responses, 10,000
hours; \$31,400 Federal cost, 11 forms,
not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The financial forecast submitted to REA serves both as a demonstration of feasibility of the loan applied for, and the demonstration of loan funds needed. It also indicates the level of revenue anticipated, level of cash on hand and reflect the cost of power. These together are necessary to make a finding that the loans to be granted are necessary and feasible as required by the Rural Electrification Act.

Reinstatements

- Food and Nutrition Service
Part 250—Donation of Food
Commodities for use in U.S.
FNS-51 51-1 20
On occasion
State or local governments
State agencies which distribute USDA
foods
SIC: 911 514 943
Small businesses or organizations
Public assistance and other income
supplements, 16,492 responses, 18,705
hours; \$33,970 Federal cost, 3 forms,
not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Regulations under 7 CFR Part 250 implement public laws authorizing donated commodities for specific categories of recipients. Needed to set forth the terms and conditions for the distribution of commodities to eligible outlets and recipients.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

Extensions (No Change)

- Bureau of the Census
Advance monthly retail trade report
B-104, B-104E, B-105
Monthly
Businesses or other institutions
Retail business firms
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of
commerce, 34,200 responses, 2,850
hours; \$513,000 Federal cost, \$22,800
public cost, 3 forms, not applicable
under 3504(h)

Office of Federal Statistical Policy and Standard, 202-673-7974

The advance monthly retail trade report is for the purpose of collecting and tabulating early monthly estimates of retail sales. These published estimates are widely used by government and private agencies as the earliest indicator of changes in retail sales at United States levels.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195

Extensions (Burden Change)

- Departmental and others
Application for verification of birth
DD 372
On occasion
State or local governments
Bureau of vital statistics—State and
territory
Department of Defense—Military,
559,000 responses, 93,000 hours;
\$286,528 Federal cost, 1 form, not
applicable under 3504(h)
Kenneth B. Allen, 202-395-3785

Title 10, Sec. 505, U.S. Code restricts enlistment in the Armed Forces to able bodied persons not less than seventeen (17) years of age and not more than thirty-five (35) years of age. If individuals cannot provide a birth certificate, the "verification of birth" form is dispatched to the respective Bureau of Vital Statistics. This occurs approximately 1 of every 6 cases.

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montie—202-633-9464

New

- Departmental and others
DOE/RCRA utility impact study
verification document
FE-735A
Nonrecurring
Businesses or other institutions
Electric utilities
SIC: 491
Small businesses or organizations
Energy information, policy, and
regulation, 18 responses, 108 hours;
\$897,800 Federal cost, 1 form, not
applicable under 3504 (h)
Jefferson B. Hill, 202-395-7340

To obtain site-specific engineering and operating characteristics from 18 selected coal fired utility plans for development of preliminary designs for waste disposal sites. Date will be used by FE for policy and program planning relative to greater utilization of coal.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202-633-4312

New

- Office of Justice Assistance, Research
and Statistics
Compliance monitoring report
OJARS (Series 4240)
Annually
State of local governments
State CJ agencies
SIC: 922
Criminal justice assistance, 51
responses, 7,850; \$9,000 Federal Cost,
1 form, not applicable under 3504 (h)
Andy Uscher, 202-395-4814

Sec. 223A (15) of the JJDP Act requires States which received formula grant award to develop a system of monitoring juv. or correction fac. to ensure that 3 legislative requirements, i.e., deinstitutionalization, separation and removal—Sec. 223A (12), (13) and (14) are met and requires States to annually report the result of this monitoring. The results are used to determine a State's Elig. to continue participation in the JJDP Act Pur. to the Reg. level of comp. spec. in Sec. 223(C).

Extensions (No Change)

- Immigration and Naturalization
Service
Affidavit of support (immigrant
authorization cases)
I-134
Nonrecurring
Individuals or households
Individuals

Federal law Enforcement activities,
45,000 responses, 15,000 hours;
\$3,785,000 Federal cost, 1 form, not
applicable under 3504(h)
Andy Uscher, 202-395-4814

Information on this form is used to
determine that the applicant for benefits
under the I&N Act will not become a
public charge if admitted to the U.S. The
form is used by immigration and
consular officers in making such
determinations.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E.
Larson—202-523-6331

New

- Labor-Management Services
Administration
The mediation of grievances in the coal
industry
LMSA-60T
Nonrecurring
Businesses or other institutions
Labor unions, management and miners
in the coal industry
SIC: 121
Other labor services, 1 response, 21
hours; \$500 Federal cost, 2 forms, not
applicable under 3504(h)
Arnold Strasser, 202-395-6880

To determine grievant satisfaction
after the grievance is closed through
mediation or arbitration. The one phase
of a larger project to experiment with
mediation of grievances and to compare
results to arbitration with respect to
savings of money and time and
satisfaction with either process.

- Occupational Safety and Health
Administration
Occupational exposure to noise—29
CFR 1910.95
On occasion—semiannually, annually
Businesses or other institutions
Employ. having estab. where employee
noise exposure, etc.
SIC: Multiple
Small businesses or organizations
Consumer and occupational health and
safety, 7,140,000 responses, 606,900
hours; \$6,000,000 public cost, 1 form,
not applicable under 3504 (h)
Arnold Strasser, 202-395-6880

These regulations require employers
to establish and maintain accurate
records of employee exposure
measurements and audiograms taken or
obtained pursuant to the provisions of
the standard for occupational exposure
to noise (29 CFR 1910.95). These records
are useful to the employer, employee,
physician and the government in
determining whether an employee has
suffered impairment as a result of his/
her occupational exposure to noise.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John
Windsor—202-426-1887

- Coast Guard
Declaration of Citizenship for vessel
documentation and ship mortgage
purposes
MA-4557, 4557A, 4558, 4559, 4560,
4560A, 4561, 4562, 4563
On occasion
Individuals or households/businesses or
other institutions
Vendees/mortgagees/transfer of ves.
docum. under U.S. law
SIC: 441, 442
Small businesses or organizations
Water transportation, 55,600 responses
18,348 hours; \$111,200 Federal cost, 9
forms, not applicable under 3504 (h)
Wayne Leiss, 202-395-7340

A citizenship declaration as
prescribed by the Secretary of
Commerce (delegated to the Maritime
Administration) under Sec. 40 of the
Shipping Act 1916, as amended (46
U.S.C. 838), is required from the vendee,
mortgagee, or transferee when a bill of
sale, mortgage, or conveyance of a
vessel is presented for recording.

Revisions

- National Highway Traffic Safety
Administration
49 CFR Part 575 consumer information
regulations
Annually
Businesses or other institutions
Motor vehicle manufacturers
SIC: 371
Small businesses or organizations
Ground transportation, 20 responses, 400
hours; \$5,000 Federal cost, 1 form,
NPRM under 3504 (h)
Mahesh Podar, 202-395-7340

Proposal would avoid possible
disruption of production schedules or
delay in introducing product changes by
permitting modification of previously
submitted performance data, up to 30
days before model introduction.

Extensions (No Change)

- Coast Guard
Application for enlistment
CG-2520
On occasion
Individuals or households
Applicants for enlistment in U.S. Coast
Guard & Reserves
Water transportation, 30,000 responses,
15,000 hours; \$114,000 Federal cost, 1
form, not applicable under 3504 (h)
Wayne Leiss, 202-395-7340

This form collects required
background data to determine an
individual's eligibility for enlistment in
accordance with the U.S. Code, CFR and

Coast Guard regulations. Meets
requirement of 45.01-34, Title 33, CFR
and Coast Guard regulations. Meets
requirement of 45.01-34, Title 33, CFR
and warns applicant against giving false
data which would make their enlistment
fraudulent.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy
Tucker—202-634-5394

New

- Internal Revenue Service
Certification of payment of foreign death
tax
706-CE
Nonrecurring
Businesses or other institutions
Estates who paid foreign death tax
SIC: 601 602 603 604 605 811
Central fiscal operations, 5,000
responses, 8,211 hours; \$16,331 Federal
cost, 1 form, not applicable under 3504
(h)

Kevin Broderick, 202-395-6880

Form 706-CE is used to certify that
foreign death taxes have been paid so
that the estate may claim the foreign
death tax credit allowed by Section 2014
of the Internal Revenue Code. The
information is used by IRS to verify that
the proper credit has been claimed.

Extensions (Burden Change)

- Internal Revenue Service
Exemption from withholding or tax on
income effectively connected with the
conduct of a trade of business in the
United States
4224
On occasion
Individuals or households businesses or
other institutions
Nonresident alien indiv. receiving trade/
bus. income
Small businesses or organizations
Central fiscal operations, 2,000
responses, 1,000 hours; \$4,937 Federal
cost, 1 form, not applicable under 3504
(h)

Kevin Broderick, 202-395-6880

Form 4224 is used by a nonresident
alien individual or fiduciary, foreign
partnership, or foreign corporation to
obtain exemption from withholding of
tax on certain trade or business income.
The service uses the data to determine if
the exemption is proper.

- Internal Revenue Service
Multiple support declaration
2120
Annually
Individuals or households
Indiv. wishing to claim deductions for
dependency exemptions.

Central fiscal operations, 11,000 responses, 990 hours; \$71,714 Federal cost, 1 form, not applicable under 3504 (h)

Kevin Broderick, 202-395-6880

A person contributing more than 10%, but not more than 50%, to the support of an individual may claim that individual provided they attach declarations from the other contributors indicating they won't claim that individual. This form is used to show the others have agreed not to claim that individual.

- Internal Revenue Service

Ownership, exemption or reduced rate certificate 1001

On occasion

Individuals or households/businesses or other institutions

Owner or agent who is a nonresident alien individual

Small businesses or organizations

Central fiscal operations, 2,000 responses, 1,500 hours; \$5,126 Federal cost, 1 form, not applicable under 3504 (h)

Kevin Broderick, 202-395-6880

This form is used to certify ownership when presenting interest coupons for payment. The data is used to determine rate of withholding or to release tax withheld, and to prepare form 1042S.

- Internal Revenue Service

U.S. nonresident alien income tax return 1040NR

Annually

Businesses or other institutions/individuals or households

Nonresident individuals, estates and trusts

SIC: 601 602 603 604 505 673 811

Central fiscal operations, 90,000 responses, 544,000 hours; \$195,094 Federal cost, 1 form, not applicable under 3504 (h)

Kevin Broderick, 202-395-6880

This form is used by nonresident individuals, foreign estates and trusts to report their income subject to tax and compute their correct tax liability. The information on the return is used to determine whether income, deductions, credit, payments, etc., are correctly figured.

- Internal Revenue Service

Application for automatic extension of time to file corporation income tax return

7004

On occasion

Farms/businesses or other institutions

Corporations requesting extension to file income tax return

Small businesses or organizations

Central fiscal operations, 880,000 responses, 584,408 hours; \$923,640 Federal cost, 1 form, not applicable under 3504 (h)

Kevin Broderick, 202-395-6880

Form 7004 is used by a corporation to request an automatic 3-month extension of time to file its income tax return. The information is needed by IRS to determine whether form 7004 was timely filed so as not to impose a late filing penalty in error and also to insure that the proper amount of tax was computed and deposited.

Extensions (No Change)

- Internal Revenue Service

Computation of excess hospital insurance benefits tax

4469

Annually

Individuals or households

Railroad employee representatives

Small businesses or organizations

Central fiscal operations, 1,000 responses, 1,000 hours; \$11,322 Federal cost, 1 form, not applicable under 3504 (h)

Kevin Broderick, 202-395-6880

The maximum hospital insurance benefits tax that may be imposed on an employee is set by law. Form 4469 is used by railroad employee representatives to figure their refund of excess hospital insurance benefits tax. The information collected is used to verify the taxpayer is entitled to the credit.

FEDERAL HOME LOAN BANK BOARD

Agency Clearance Officer—Frank J. Crowne—202-377-6025

New

- Survey of mortgage lending policy

1252

Quarterly

Businesses or other institutions

FSLIC-Insured savings and loan associations

SIC: 612

Mortgage credit and thrift insurance, 960 responses, 720 hours; \$2,995 Federal cost, 1 form, not applicable under 3504 (h)

Kevin Broderick, 202-395-6880

To monitor usage or broad new authority given savings and loan associations to make adjustable mortgage loans, including the terms of the most frequently offered contracts, in order to evaluate the appropriateness of the regulatory authorization.

FEDERAL MARITIME COMMISSION

Agency Clearance Officer—Ronald D. Murphy—202-523-5326

New

- 46 CFR 547—Procedures for environmental policy analysis

GO 45

On occasion

Businesses or other institutions

Large cargo shipping firms and local port authorities

SIC: 441 442 443 444 445 446 447

Water transportation, 20 responses, 192 hours; \$200,000 Federal cost, 1 form, not applicable under 3504(H)

William T. Adams, 202-395-4814

Information is used to complete assessments of potential environmental impacts of regulatory decisions applying to cargo shipping covered by section 15 of the Shipping Act 1916.

Extensions (No Change)

- Truck detention at the Port of New York—46 CFR 551

G.O. 35

On occasion

Businesses or other institutions

Terminal operators in The Port of New York

SIC: 446

Water transportation, 14 responses, 28 hours; \$100 Federal cost, 1 form, not applicable under 3504(H)

William T. Adams, 202-395-4814

The information is used by the public, particularly motor carriers, to determine the vehicle handling procedures of a particular terminal operator and by the commission to discharge its responsibilities when complaints are received concerning truck detention.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—202-633-0204

New

- Owner-operator annual report form

Annually

Individuals or households

Motor carrier owner-operators

Small businesses or organizations

Ground transportation, 100 responses, 8 hours; \$15,213 Federal cost

Paula Daigneault, 202-395-7340

The owner-operator annual report form is used to certify compliance with Section 49 U.S.C. 10922(b)(4)(b) or 49 U.S.C. 10923(b)(5)(a) of the Motor Carrier Act of 1980.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301-492-8585

New

- Guidelines for confirmatory implant tests of safety relief valve discharges for BWR plants

Nonrecurring

Businesses or other institutions

NRC licensees

SIC: 483

Energy information, policy, and regulation, 1 response, 62,400 hours; \$80,000 Federal cost

Jefferson B. Hill, 202-395-7340

NRC needs additional data on confirmatory inplant tests of safety relief valve discharges for BWR plants in order to assess safety implications.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

New

• Form ADV-S (17 CFR 279.3) Sec. 1708 Annually

Businesses or other institutions

Investment advisers

SIC: 620

Small businesses or organizations

Other advancement and regulation of commerce, 3,898 responses, 3,898 hours; \$51,700 Federal cost, 1 form, not applicable under 3504(h)

Robert Veeder, 202-395-4814

Information furnished advises commission (a) whether investment adviser is still engaged in business, and (b) the adviser's current address, use of form reminds adviser to file any required amendments to form ADV and statement, other than Part II of Form ADV, delivered or offered to be delivered pursuant to Rule 204-3.

• Rule 204-3 under the Investment Advisers Act of 1940 (17 CFR 275.204-3)

Other—SEE SF83

Businesses or other institutions

Investment advisers

SIC: 620

Small businesses or organizations

Other advancement and regulation of commerce, 56,500 responses, 28,250 hours; \$423,750 public cost, 1 form, not applicable under 3504(H)

Robert Veeder, 202-395-4814

Rule requires certain registered investment advisers to deliver or offer in writing to deliver to clients, a written disclosure statement containing specified information concerning the background and business practices of the adviser. Information furnished to investors is used by investors to determine whether to initially retain or continue to retain an investment adviser.

Form ADV amendment (17 CFR 279.1) and Rule 204-1 under Investment Advisers Act of 1940 (17 CFR 275.204-1)

Sec 1707

Other—See SF83

Businesses or other institutions

Investment advisers

SIC: 620

Small businesses or organizations

Other advancement and regulation of commerce, 6,327 responses, 6,327 hours; \$102,600 Federal cost, \$190,000 public cost, 1 form, not applicable under 3504(h)

Robert Veeder, 202-395-4814

Rule 204-1 sets forth requirements as to what circumstances require the filing of an amendment to Form ADV. Information provided ensures appropriate accuracy of information on Form ADV.

Form ADV application (17 CFR 279.1) and Rule 203-1 under the Investment Advisers Act of 1940 (17 CFR 275.203-1)

Sec 1707

Nonrecurring

Businesses or other institutions

Investment advisers

SIC: 620

Small businesses or organization

Other advancement and regulation of commerce, 1,101 responses, 8,808 hours; \$44,600 Federal cost, 1 form, \$264,000 public cost, 1 form not applicable under 3504(h)

Robert Veeder, 202-395-4814

Information furnished is (a) used by the Commission to determine whether or not to make effective an application for registration and (b) made available to the public to disclose applicant's basic characteristics, general background and business practices.

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—Betty Osborne—202-653-7738

Revisions

Client export file

SEA 1174

On occasion

Businesses or other institutions

Small business firms

SIC: Multiple

Small businesses or organizations

Other advancement and regulation of commerce, 10,000 responses, 2,500 hours; \$1,000 Federal cost, 1 form, not applicable under 3504(h)

Federal Education Data Acquisition Council, 202-426-5030

The information is needed to develop/implement an international trade assistance program of training and counseling based on small business needs and requirements for successful exporting. The form will be used to measure the economic impact of SBA's international trade program on small business and to ascertain necessary budget and personnel requirements for

the program in accordance with OMB procedures.

C. Louis Kincannon,

Assistant Administrator for Reports Management.

[FR Doc. 81-22532 Filed 7-31-81; 8:45 am]

BILLING CODE 3110-01-M

PRESIDENT'S COMMISSION ON PENSION POLICY

Privacy Act of 1974; Revocation and Transfer of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a, the President's Commission on Pension Policy published in the Federal Register (44 FR 5032) notices of the existence of the following systems of records subject to the Privacy Act: PCPP-1, Payroll Records; PCPP-2, General Financial Records; and PCPP-3, General Informal Personnel Files. The Commission terminated operations on May 24, 1981, and the above systems of records are revoked as of that date.

Following is a summary of the disposition of the Commission's systems of records:

PCPP-1

SYSTEM NAME:

Payroll Records—President's Commission on Pension Policy: to be retained by the General Services Administration, National Payroll Center, for use in concluding administrative operations of the Commission as part of GSA system of records, Defunct Agency Records, GSA/OEA-1.

PCPP-2

SYSTEM NAME:

General Financial Records—President's Commission on Pension Policy: to be retained by the External Services Branch, National Capital Region, for concluding administrative operations of the Commission as part of the GSA system of records, Defunct Agency Records, GSA/OEA-1.

PCPP-3

SYSTEM NAME:

General Informal Personnel Files—President's Commission on Pension Policy: to be destroyed.

Dennis G. Condie,

Acting Administrative Office.

FR Doc. 81-22467 Filed 7-31-81; 8:45 am]

BILLING CODE 6820-99-M

**SECURITIES AND EXCHANGE
COMMISSION**

[812-4869; Release No. 11874]

**Den Norske Creditbank; Application
for an Order Pursuant to Section 6(c)
of the Act Exempting Applicant from
All Provisions of the Act**

June 27, 1981.

Notice is Hereby Given that Den Norske Creditbank ("Application"), Kirkegt. 21, Oslo 1, Norway, filed an application on May 4, 1981, and an amendment thereto on July 17, 1981, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was established in Oslo in 1857 and is now the largest commercial bank in Norway with consolidated assets of \$5,472,200,000 at December 31, 1980. It is a publicly owned bank whose shares are traded on the Oslo Stock Exchange. It has approximately 110 offices and branches in Cairo, Dubai, Dusseldorf, Hong Kong, Houston, Sao Paulo, Singapore, Sydney and Tokyo.

Applicant states that it performs all services of a typical commercial bank. At December 31, 1980, deposits totaled approximately \$4,539,200,000, 77.5% of which are from Norwegian individuals and entities. At December 31, 1980, loans constituted 59.2% of Applicant's total assets, and interest on such loans accounted for 64.4% of its income. Applicant also states that, in addition to its deposit and lending business, it engages in such banking services as leasing and factoring, transactions in foreign currency, advisory services especially to the petroleum and shipping industries and investment management. In addition, Applicant participates in investment banking activities although annual revenues from such activities in the past five years never exceeded 2% of its annual consolidated gross revenues.

Applicant further represents that it is extensively regulated pursuant to Norwegian banking laws which provide for supervision by the Inspectorate of Banks to which it must report regularly. The Inspectorate makes local inspection of each individual bank and has extensive investigatory powers. In addition, Norwegian law regulates Applicant's lending activities and liquidity, establishes minimum capitalization requirements, limits its investment activities and regulates its

corporate structure. Norwegian law also requires commercial banks to contribute their proportional share to a common Security Fund which supports activities of member banks experiencing financial difficulties, and the Governor of the Norwegian Central Bank has stated in a report to the Norwegian Parliament that the Central Bank would provide sufficient loans to a Norwegian commercial bank to assure that such bank did not default on its obligations.

Applicant proposes to issue and sell unsecured prime quality commercial paper (the "Notes") denominated in United States dollars, in order to provide an alternative source of supply of United States dollars. It is stated that under this proposal no Note will be in a denomination smaller than \$100,000. The Notes will be issued and sold by Applicant to a commercial paper dealer in the United States which will reoffer the Notes as principal to investors in the United States. Applicant represents that the Notes will not be advertised or otherwise offered for sale to the general public, but instead will be sold by a registered United States securities dealer to institutional investors and other entities and individuals who normally purchase commercial paper notes. Applicant also states that it undertakes to ensure that each offeree of the Notes will receive prior to purchase a memorandum which briefly describes Applicant's business and includes its most recent publicly available annual financial statements, which shall have been audited in a manner customarily done for Applicant by Norwegian auditors. Applicant represents that such memorandum will describe any material differences between accounting principles applied in the preparation of such financial statements and "generally accepted accounting principles" employed by United States banks. Applicant states such memorandum will be at least as comprehensive as those customarily used in offering commercial paper in the United States and will be updated periodically to reflect material changes in Applicant's financial condition.

The application states that the notes will be direct liabilities of the Applicant and will rank *pari passu* among themselves and equally with all deposit liabilities of Applicant and all other unsecured, unsubordinated indebtedness of the Applicant, and prior to any subordinated indebtedness of Applicant, including the claims of holders of Applicant's capital stock. Applicant plans to sell the notes without registration under the Securities Act of 1933 (the "1933 Act"), in reliance upon a

written opinion of its United States counsel that the notes will qualify for the exemptions from the registration requirements of the 1933 Act provided for certain short-term commercial paper by Section 3(a)(3) thereof. Applicant states that it will not issue or sell the notes until it has received such opinion letter. Applicant does not request Commission review or approval of such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the presently proposed issue of securities and all future issues of securities in the United States shall have received prior to their respective issuances one of the three highest investment grade ratings from at least one of the nationally recognized statistical rating organizations and that its United States counsel shall have certified that such rating has been received, provided, however, that no such rating shall be required to be obtained if in the opinion of United States counsel for Applicant, such counsel having taken into account for the purpose thereof the doctrine of integration referred to in Rule 146 under the Securities Act of 1933 and various no-action letters made public by the Commission, an exemption from registration is available with respect to such issue pursuant to Section 4(2) of the 1933 Act. Applicant further represents that it is not subject to the reporting requirements of the Securities Exchange Act of 1934 and will not become subject to such requirements in connection with the issuance and sale of the Notes.

Applicant states that it will appoint its special United States counsel as its agent to accept any process which may be served in any action based on the Notes and instituted by the holder of any Note in any state or federal court. Applicant further states that it will expressly accept the jurisdiction of any state or federal court in the City and State of New York in respect of any such action, and that such appointment of an authorized agent to accept service of process and such consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the Notes have been paid by Applicant. Applicant represents that it will also be subject to suit in any other court in the United States which would have jurisdiction.

Applicant states that it may, from time to time, offer other debt securities, but not including shares of its capital stock, for sale in the United States. Applicant represents that any such future offering of its securities in the United States will

be done on the basis of disclosure documents at least as comprehensive in their description of Applicant, its business and its financial condition as those customarily used in United States offerings of such securities and undertakes to ensure that each offeree of such securities will be provided with such disclosure documents. Applicant states, in connection with any future offering in the United States of its securities, that it will appoint an agent to accept any process which may be served in any action based on any such security and instituted in any state or federal court by the holder of any such security. Applicant further represents that it will expressly accept the jurisdiction of any state or federal court in the City and State of New York in respect of any such action, and that such appointment of an agent to accept service of process and such consent to jurisdiction will be irrevocable so long as such securities remain outstanding and until all amounts due and to become due in respect of such securities have been paid. Applicant states that it will also be subject to suit in any other court in the United States which would have jurisdiction. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its compliance with its undertakings regarding disclosure documents.

Section 3(a)(3) of the Act defines investment company to mean any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of government securities and cash items) on an unconsolidated basis.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act. Section 6(c) provides that the Commission, by order upon application, may exempt any person from the provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant states that it is applying to the Commission because of uncertainty whether or not foreign commercial banks would be defined as "investment companies" under the Act.

Applicant contends that approval of its application is both necessary and appropriate in the public interest. Because compliance with the Act would

conflict with its commercial banking practices, Applicant would effectively be precluded from selling securities in the United States if it is required to register as an investment company. Applicant asserts that its activities are extensively regulated by the Norwegian banking authorities and that the limitations imposed by Norwegian laws afford substantial protection to investors in debt securities. Applicant claims that a commercial bank, such as itself, is substantially different from the typical investment company that Congress intended the Act to regulate, and that Applicant's activities do not lend themselves to the abuses which the provisions of the Act were designed to prevent. Finally, Applicant asserts that there is ample investor protection provided by the 1933 Act.

Notice is further given that any interested person may, not later than August 21, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

FR Doc 81-22470 Filed 2-31-81; 8:45 am]

BILLING CODE 8010-01-M

[812-4892; Release No. 11875]

**Franklin Tax-Exempt Money Fund;
Filing of an Application Pursuant to
Section 6(c) of the Act for an Order of
Exemption From the Provisions of
Section 2(a)(41) of the Act and Rules
2a-4 and 22c-1 Thereunder**

July 27, 1981.

Notice is Hereby Given that Franklin Tax-Exempt Money Fund ("Applicant"), 155 Bovet Road San Mateo, California 94402, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on June 11, 1981, and an amendment thereto on July 17, 1981, and for an order pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit it to use the amortized cost valuation method for the purpose of pricing its shares for sale, redemption and repurchase. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a California corporation organized on March 18, 1980, to operate as a no-load fund and that its investment objectives are to provide substantial individual investors, banks, corporations and institutions with as high a level of income exempt from federal income taxes as is consistent with liquidity and preservation of capital through investment in short-term municipal obligations, project notes and other municipal securities whose remaining time to maturity at time of purchase by Applicant is one year or less. Applicant represents that the dollar weighted average maturity of its portfolio will at all times be 120 days or less. Applicant further represents that at least 80% of its portfolio will be invested in securities rated not lower than Aa or MIG-2 by Moody's Investor Services, Inc. ("Moody's") or AA by Standard & Poor's Corporation ("S&P"). The balance of the portfolio may be invested in unrated securities if such securities are backed by the credit of the U.S. Government or meet standards equivalent to the quality described above. Applicant further represents that it may also purchase the above described securities on a "when-issued" basis.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2)

with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c-1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a-4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments with over 60-day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant requests an exemption from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 33c-1 thereunder to the extent necessary to permit it to value its portfolio securities using the amortized cost method of valuation. In support of its request, Applicant represents that it has been management's experience that in order to attract the sophisticated investors that will own shares representing a large portion of Applicant's assets, Applicant must have a stable net asset value of \$1.00 and a constant flow of investment income. Applicant states the use of the amortized cost method of valuation will enable it to provide these two features. Applicant also represents that there is normally a negligible discrepancy between market price and the amortized cost of municipal securities maturing

within 120 days. Finally, Applicant represents that its directors have determined in good faith that, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects the fair value of its securities.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that its application meets the standards of Section 6(c) of the Act in light of its management policies, and consents to the imposition of the following conditions to any order granting the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of directors of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at \$1.00 per share.

2. Included within the procedures to be adopted by the board of directors of Applicant shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the \$1.00 amortized cost price per share, and the maintenance of records of such review.¹

(b) In the event such deviation from the \$1.00 amortized cost price per share

exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated by it.

(c) Where the board of directors believes the extent of any deviation from the \$1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.²

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of directors' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the boards of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of directors determines present minimal credit risks, and which are of "high quality" as determined by any

¹ To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

² In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of directors.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than August 21, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-22471 Filed 7-31-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17980; File No. SR-NSCC-81-9]

National Securities Clearing Corp.; Proposed Rule Change by Self- Regulatory Organization

In the matter of: Proposed Rule Change relating to the Demand Withhold Service. Comments requested on or before August 24, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15

U.S.C. 78s(b)(1), notice is hereby given that on June 11, 1981, the National Securities Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by National Securities Clearing Corporation. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change adds a new Section 5 to NSCC's SCC Division Rule 7 as follows:

Previously compared OTC transactions which have been cancelled by mutual agreement of the buyer and seller, may be deleted through the Demand Withhold Service. A Member may submit to NSCC a Demand Withhold in such form and manner and at such time as prescribed by the Procedures. A Demand Withhold which does not match another Demand Withhold or a regular Withhold shall generate a Demand Withhold Advisory. Members who receive a Demand Withhold Advisory must accept or DK the cancelled trade in the form and manner and at such time as prescribed by the Procedures. Demand Withholds which match another Demand Withhold or a regular Withhold, and accepted Demand Withhold Advisories shall generate a compared Demand Withhold trade which shall enter the clearing cycle in the same manner as a regular compared Withhold transaction. A DK'ed Demand Withhold Advisory shall cause the Demand Withhold to be dropped from the comparison system. Failure on the part of a Member to accept or DK the Demand Withhold Advisory shall automatically generate a compared Demand Withhold trade which will enter the comparison system in the same manner as a regular compared Withhold transaction.

The proposed rule change also adds a new paragraph to the procedures detailing the specifics regarding use of the service.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, National Securities Clearing Corporation included statements concerning the purpose of and basis for the proposed rule change and discussed comments it received on the proposed

rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Data Management Division of the Securities Industry Association recommended that NSCC modify its OTC Comparison System to provide a delete capability for compared trades that could be exercised on trade date plus two, but would only require the affirmative action of one side to the trade. NSCC circulated this proposal among its Members. The consensus of opinion of the Members in agreement was that there was an operational need for this capability due to the lack of communication among many firms' trading and P&S departments which results in nonsubmission by one party of a Withhold form and lack of response to a resulting Withhold Advisory causing cancelled trades not to be dropped from the system. Those Members who disagreed with the proposal cited the potential for abuse of a one-sided transaction. In order to safeguard against such abuse NSCC modified the proposal to the effect that the contra side has the opportunity to veto, by DK'ing the Demand Withhold Advisory, the deletion of a compared trade from the system. Accordingly, the proposed rule change provides that either side may initiate the delete process and that such will take effect unless the contra side takes affirmative action to prevent the trade from being dropped. Thus, the proposed rule change satisfies the operational need yet provides the requisite safeguards against abuse. The proposed rule change is consistent with the requirements of the act and the rules and regulations thereunder applicable to NSCC in that it will facilitate the prompt and accurate clearance and settlement of securities transactions by permitting the prompt resolution of trades which both sides have mutually agreed to cancel.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have an impact on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The proposed rule change will be circulated for comment pursuant to an Important Notice to Participants. Copies of any comments received will be forwarded to the Commission. A previous proposal was circulated to participants for comment on January 2, 1981. A summary of the responses received may be found in item (A) above.

III. Date of Effectiveness of the Proposed Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve such proposed rule change, or
- (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W. Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 24, 1981.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 27, 1981.
George A. Fitzsimmons,
Secretary.
[FR Doc. 81-22472 Filed 7-31-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-17979; File No. SR-NSCC-81-7]

National Securities Clearing Corp.; Proposed Rule Change by Self-Regulatory Organizations

In the matter of, Proposed Rule Change Relating to changes to the Clearing Fund Rule and related Rules. Comments requested on or before August 24, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 1, 1981, the National Securities Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

In order to require that all participants comply fully with NSCC's internal financial and operational requirements, i.e. Clearing Fund deposits, NSCC deleted throughout its Rules the category Non-Member Bank. Further, NSCC modified the Clearing Fund Rule as follows:

Section 1. Although the Corporation has not determined to permit all of a Member's Clearing Fund requirement to be met with bonds, the Rule is amended to provide the Corporation with such flexibility in the future. The Rule provides that each Member's Clearing Fund contribution is required to be allocated among the systems participated in by the Member for which the Corporation guarantees the completion of transactions.

Section 2. Limitations on use of the Clearing Fund is specifically referenced to the satisfaction of obligations which are incident to the business of clearance and settlement.

Section 3. This section sets forth the procedure by which the Corporation will apply a defaulting Member's contribution to obligations arising in more than one system.

Section 4. Limits the use of a Fund created for a system to satisfying losses arising only in such system and not to losses arising in other systems for which

other funds were created. Provides that losses not occurring in a system for which a fund was created may be made good from the entire Clearing Fund.

Section 6. Moved from this Section to Section 8 is the limitation on the Corporation's right to assess a Member if he elects to resign.

Section 8. Reduces the limitation on the Corporation's right to assess, if a Member elects to resign, from twice his Clearing Fund contribution to the Member's required Clearing Fund contribution at the time the loss is determined. Further, it delineates a Member's maximum liability to the Corporation, if he decides to resign, for successive assessments arising from the same loss.

Section 9. Permits the Corporation to withhold the return of excess contributions if the Member is subject to surveillance.

The entire Rule has also been rewritten for the purposes of clarity and such revision embodies the changes recently made respecting the direct allocation among Members of interest earned or paid on their cash contributions and the deletion all references to The Depository Trust Company's right to assess the Clearing Fund.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

One of the purposes of the proposed changes is to require all participants who use similar NSCC services to comply fully with NSCC's internal operational and financial requirements. Another purpose is to provide for the equitable allocation, among users of NSCC's services, of the risks associated with such use. A third purpose is to reduce the liability of a Member for a pro rata assessment if he elects to resign. Lastly, the changes revise for the purpose of clarity the Clearing Fund

Rule. The proposed rule change is consistent with the Securities Exchange Act of 1934 and the rules and regulations thereunder applicable to NSCC in that NSCC's Rules will conform with the requirements of the Standards and NSCC will be further enabled to equitably allocate charges among participants. Given the loss history to date of both NSCC and its predecessor clearing corporations, the current size of its Clearing Fund and the present level of retained earnings, implementation of the proposed rule change will be consistent with the safeguarding of securities and funds in NSCC's custody or control or for which it is responsible.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not perceive that the proposed rule change will have an impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments on a previous draft of the proposed rule change were solicited by Important Notice to Participants dated November 20, 1980. Comments on the proposed rule change will be solicited pursuant to Important Notice to Participants dated May 27, 1981. Comments on a previous draft version of the revised Clearing Fund Rule were received from the Committee of Counsel of the New York Clearing House. The Clearing House proposed that, rather than allocating portions of the Clearing Fund, separate Clearing Funds be set up and that each such Clearing Fund be set up as a trust. They also proposed that the rule specifically reference limitations on use of the Clearing Fund to obligations arising from the normal operation of clearance and settlement. NSCC modified its rule in order to meet the concerns expressed by the latter two proposals and advised the Clearing House that the first proposal would be brought before NSCC's Board but that filing of the proposed change would not be delayed pending the Board's consideration of such proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

With 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory

organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 110 L Street, N.W. Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 24, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 27, 1981.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-22473 Filed 7-31-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17977; File No. SR-OCC-81-6]

The Options Clearing Corp.; Proposed Rule Change by Self-Regulatory Organizations

In the matter of: Proposed Rule Change relating to an increase in the maximum dollar amount of escrow receipts and guarantee letters which may be issued by a Custodian Bank, and to a new requirement that Custodian Banks provide certain assurances to OCC. Comments requested on or before August 24, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C 78s(b)(1), notice is hereby given that on July 13, 1981, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange

Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change

The proposed rule change will increase the maximum dollar amount of escrow receipts and guarantee letters which may be issued by a Custodian Bank from 10% of the Bank's stockholders' equity to 25% of stockholders' equity. In addition, OCC will require each Custodian Bank, beginning with its next annual audit and continuing for all future audits, to supply OCC with a letter from the Bank's independent auditors rendering an opinion upon the adequacy of the Custodian Bank's procedures for issuing escrow receipts and insuring that the underlying securities are appropriately held and earmarked for the benefit of OCC.

II. Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change. The text of these statements may be examined at the places specified below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Purpose of, and Statutory Basis for, the Proposed Rule Change

OCC permits writers of call options to cover short positions by depositing underlying securities with an OCC-approved Custodian Bank concurrent with the banks issuance of an escrow receipt to OCC.

Presently, OCC's escrow receipt form provides that the total market value of all shares of stock and money deposits held by a Custodian Bank pursuant to all outstanding escrow receipts and all outstanding put and call guarantee letters may not exceed 10% of the Bank's stockholder's equity. OCC has been informed that many Custodian Banks have reached their 10% limit. The 10% limitation is therefore a burden on those investors who cannot use alternative means of satisfying margin requirements and an inhibiting factor on the growth of the options business.

The 10% limitation is arbitrary and of questionable value in reducing OCC's risk with respect to escrow receipts. Such risk exists only to the extent the Custodian Bank issuing the escrow

receipt is not in fact holding the underlying securities as a special purpose deposit as it is required to do under the terms of the escrow receipt. The 10% limitation provides no assurance that the underlying securities are in fact on deposit with the Bank. At best it serves as a limitation on OCC's total dollar risk in the event of a failure of the Bank in a situation where the underlying securities are not on deposit as the Bank has represented. The 10% limitation is a purely arbitrary figure and is difficult for OCC to monitor.

For these reasons, OCC believes that the 10% limitation should be modified and additional requirements imposed. The annual auditor's letters representing that the Custodian Bank has adequate procedures for holding and earmarking underlying securities for the benefit of OCC provide better protection than the 10% limitation.

For the reasons discussed, the proposed rule change is consistent with section 17A(b)(3)(F) of the Securities Exchange Act of 1934 in that the change will "assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible."

(B) Burden on Competition

OCC does not believe that the proposed rule change will have any adverse impact on competition. The change as to the 10% limitation as well as the requirement of an annual auditor's letter will apply to all Custodian Banks. There are more than 200 such Banks approved by OCC to issue escrow receipts. Insofar as many of those Banks may be reaching the 10% limit on the amount of escrow receipts they are permitted to issue, the proposed rule change will promote competition by preventing the elimination of those Banks as competitors.

(C) Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were not and are not intended to be solicited by OCC with respect to the proposed rule change. No written comments have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is

necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 24, 1981.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 27, 1981.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-22475 Filed 7-31-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-17978; File No. SR-SCCP 81-4]

Stock Clearing Corp. of Philadelphia; Proposed Rule Change by Self-Regulatory Organizations

In the matter of Proposed Rule Change relating to the closing of its Baltimore branch office

Comments requested on or before August 24, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 26, 1981, Stock Clearing Corporation of Philadelphia filed with the Securities and Exchange Commission the proposed rule change as described in items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Stock Clearing Corporation of Philadelphia (SCCP) has taken action to terminate its Baltimore branch office, located at Calvert & Redwood Streets, Baltimore, Maryland, effective July 17, 1981.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The action of the Board of Directors to terminate the Baltimore branch office operation is a business decision based upon the limited activity of the branch.

The only persons affected by this decision will be the two participants currently served by the Baltimore office. Alternate clearing arrangements will be made available to them in the form of mail clearing or the use of a local bank as a satellite depository.

The termination of the Baltimore branch office is consistent with the requirements of the Act and the rules and regulations thereunder. With the alternate clearing arrangements available to the affected participants, this action will not impair the prompt and accurate clearance and settlement of securities transactions (Section 17A(b)(3)(F)).

(B) Self-Regulatory Organization's Statement on Burden on Competition

SCCP does not perceive any impact on competition, negative or positive, arising from the termination of the Baltimore branch office.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change From Members, Participants, or Others

Comments on the proposed closing of the Baltimore branch office were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 24, 1981.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-22474 Filed 7-31-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 22137; 70-6621]

New England Energy Inc., et al.; Proposed Issuance and Sale of up to \$400 Million of Notes to Bank

July 24, 1981.

In the matter of New England Energy Incorporated, New England Power Company, New England Electric System, 25 Research Drive, Westborough, Massachusetts 01581 (70-6621).

New England Electric System ("NEES") a registered holding company, New England Energy Incorporated ("NEEI"), a fuel subsidiary of NEES, and New England Power Company ("NEP") the generation and transmission subsidiary of NEES system, have filed a declaration with this Commission pursuant to Sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 thereunder.

In order to finance its oil and gas exploration and development activities for the next several years, NEEI intends to enter into a credit agreement ("Credit Agreement") with the Bank of Montreal, as agent, and certain other banks under which NEEI proposes to issue and sell up to \$400 million of notes bearing interest at various alternative rates as provided in the Credit Agreement. It is stated that the various interest rates offered are substantially lower than those under NEEI's present bank loan. The Credit Agreement has two parts. Tranche A is a Revolving Credit/Term Loan Agreement: NEEI may borrow money under the Revolving Credit period through December 31, 1984, with the option to extend the Revolving Credit period through either December 31, 1985, or December 31, 1986. At the expiration of the Revolving Credit period, NEEI's borrowings thereunder shall be converted into a five-year Term Loan. As security for the Revolving Credit/Term Loan under Tranche A, NEEI will assign to the banks its rights under its Fuel Purchase Contract with NEP and its Capital Funds Agreement and Loan Agreement with NEES. These agreements are proposed to be amended so that they will remain in effect throughout the life of the Credit Agreement. Tranche B is a production loan to be secured by NEEI's interest in selected oil and gas properties. It will operate as a Revolving Credit for 18 months, at which time the outstanding borrowings will be converted into a 5½ year Term Loan. The Revolving Credit period may be extended subject to semi-annual review.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested

persons wishing to comment or request a hearing should submit their views in writing by August 20, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-22541 Filed 7-31-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 11872; 812-4879]

Norddeutsche Landesbank Girozentrale; Application

July 24, 1981.

In the matter of Norddeutsche Landesbank Girozentrale, c/o Michael Gruson, Esq., Shearman & Sterling, 53 Wall Street, New York, New York 10005 (812-4879).

Notice is hereby given that Norddeutsche Landesbank Girozentrale ("Applicant") filed an application on May 14, 1981, and an amendment thereto on July 10, 1981, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was formed in 1970 as a result of the merger of four banks and that it was incorporated by special act of the State of Lower Saxony, one of the eleven States constituting the Federal Republic of Germany. It is the tenth largest bank in the Federal Republic of Germany and is among the top 75 largest banks in the world. At December 31, 1979, it had assets of approximately \$23.8 billion and paid-in capital of \$203,869,470. This capital was contributed by the State of Lower Saxony and by the State controlled Savings Banks and Giro

Associations of Lower Saxony. These contributors are in effect Applicant's stockholders and are also guarantors of its obligations if Applicant's assets are insufficient to satisfy its obligations. In addition to its central administrative office of Georgsplatz 1, D-3000 Hanover 1, Federal Republic of Germany, Applicant also has 288 branches in the Federal Republic of Germany and a wholly-owned subsidiary in Luxembourg.

Applicant states that it performs all of the functions of a typical commercial bank. At December 31, 1979, deposits comprised 37.3% and bonds and notes 44.2% of Applicant's total liabilities (including capital). Approximately 92.3% of these deposits were from German individuals or entities. On the same date, loans constituted approximately 73.8% of Applicant's total assets. Interest on these loans accounted for approximately 73.5% of Applicant's gross income in 1979. Approximately 94.2% of these loans were extended to German individuals or entities.

Applicant states that, in addition to its deposit and lending activities, it also provides other banking services such as investment and portfolio management and corporate analysis and advisory services. This activity accounted for less than 1% of Applicant's gross income for the year ending December 31, 1979. Further, Applicant provides leasing and factoring services and act as a state and municipal bank for the State of Lower Saxony and its municipalities, and as a clearing bank for all savings banks located in Lower Saxony. Applicant also engages in various types of investment banking activities outside of the United States, and, to some extent, in the trading of foreign and domestic securities.

Applicant states that it is subject to extensive supervision and regulation by the Bundes auf Sichtsammt fuer das Kreditwesen (Federal Banking Supervisory Authority), by the Deutsche Bundesbank (German Central Bank), and by the State of Lower Saxony. Applicant states that it is subject to a variety of regulatory requirements which pertain to, among other things, the maintenance of adequate equity capital and liquidity, foreign exchange limitations, and credit diversification. In addition, Applicant states that it must report regularly to the Federal Banking Supervisory Authority which can conduct examinations of and impose sanctions on Applicant in order to maintain compliance with banking regulations. Applicant also states that its non-bank depositors are protected by a Sicherungreserve (Guaranty Fund) and

that Applicant is entitled to financial support from the Liquiditäts-Konsortialbank GmbH (Liquidity Consortium Bank) in case of a liquidity squeeze.

Applicant proposes to offer, issue and sell in the United States prime quality commercial paper (the "Notes") in bearer form and denominated in United States dollars, for the purpose of providing an additional source of supply of United States dollars to supplement dollars currently obtained in the Eurodollar market. It is asserted that the Notes will be in denominations of \$100,000 or more and will be sold by Applicant to a registered United States securities dealer which will reoffer the notes a principal to institutional investors and other individuals and entities in the United States who normally purchase commercial paper. Applicant states that it undertakes to insure that the Notes will not be advertised or otherwise offered for sale to the general public. Applicant states that the aggregate principal amount of the Notes to be outstanding at any time is not expected to exceed \$300 million. Applicant states that, as direct liabilities of applicant, the Notes will rank *pari passu* among themselves and equally with all other unsecured indebtedness of Applicant, including deposit liabilities, and ahead of its equity capital.

Applicant states that it is intended that the Notes be sold without registration under Section 5 of the Securities Act of 1933, as amended ("Securities Act") in reliance upon an opinion of Applicant's United States counsel that the offering will qualify for the exemption from the registration requirements of the Securities Act provided for certain short-term commercial paper by Section 3(a)(3) thereof. Applicant asserts that it will not proceed with its proposed offering until it has received such an opinion. Application states that it does not request Commission review or approval of such opinion, and the Commission expresses no opinion as to the availability of any such exemption. Applicant further asserts that it is not subject to the reporting requirements of the Securities Exchange Act of 1934, as amended, and will not become subject to such requirements in connection with the issuance and sale of the Notes.

Applicant asserts that its presently proposed issue of securities and any future issue of debt securities will be conditioned upon the receipt, prior to issuance, of one of the three highest investment grade ratings from at least one of the nationally recognized

statistical rating organizations.

Applicant further represents that its United States counsel will have certified that such a rating has been received.¹

Applicant undertakes to insure that each offeree who has indicated an interest in the Notes will receive, prior to any sale of Notes to such offeree, a memorandum describing Applicant's business and containing Applicant's most recent publicly available annual financial statements audited in accordance with German accounting principles, and its most recent publicly available unaudited semi-annual balance sheet. Applicant asserts that such memorandum will describe the material difference between German accounting principles applicable to German commercial banks and "generally accepted accounting principles" applicable to United States commercial banks. Applicants states that such memorandum will be at least as comprehensive as those customarily used in offering commercial paper in the United States and will be updated promptly to reflect material changes in Applicant's financial condition.

Applicant states that it will appoint a bank in the United States as its authorized agent to issue the Notes from time to time and will appoint such bank as agent to accept any process which may be served in any action based on the Notes, or any other securities it may offer in the future which will be limited to debt securities, or arising out of the sale thereof and instituted in any State or Federal court by the holder of any Note. Applicant asserts that it will accept the jurisdiction of any State or Federal court in the City and State of New York in respect of any such action, and that its appointment of an authorized agent to accept service of process and its consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the Notes or other securities have been paid. Applicant also states that it will be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the Notes or other debt securities, or otherwise.

Applicant represents that it may, from time to time, offer other debt securities

¹ Provided, however, that no such rating shall be required to be obtained if in the opinion of United States counsel for the Applicant, such counsel having taken into account of the purposes thereof the doctrine of "integration" referred to in Rule 146, 1933 Act Release Nos. 4434 (Dec. 6, 1961), 4552 (Nov. 6, 1962) and 4708 (July 9, 1964) and various "no-action" letters made public by the commission, an exemption from registration is available with respect to such issue under Section 4(2) of the Securities Act.

for sale in the United States, but not shares of its capital stock. Applicant states that it undertakes to ensure that any future offerings of its securities in the United States will be done on the basis of disclosure documents at least as comprehensive in their description of Applicant, its business and its financial condition as is customary for similar offerings in the United States, and that Applicant undertakes to provide this disclosure material to each offeree who expresses an interest in any such offering, prior to sale. Furthermore, Applicant undertakes to update promptly any such documents to reflect material changes in Applicant's financial condition. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned on Applicant's compliance with the aforementioned undertakings concerning disclosure documents.

Section 3(a)(3) of the Act defines investment company to mean any issuer which engages or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of government securities and cash items) on an unconsolidated basis. Applicant states that it is applying to the Commission because of uncertainty whether or not foreign commercial banks would be defined as "investment companies" under the Act.

Section 6(c) provides that the Commission, by order upon application, may exempt any person from the provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act. Applicant represents that compliance with a number of the substantive provisions of the Act would conflict with its commercial banking practices and that Applicant would be precluded from selling securities in the United States if it were required to register as an investment company. Applicant further asserts that, absent an exemption, it would be denied access to the only dollar-denominated commercial paper market in existence.

Applicant represents that foreign banks have a particular need for access to a dollar-denominated commercial paper market. Applicant asserts that

such foreign banks require access to a source of dollars to protect against even a small disruption in the Eurodollar market. Applicant further states that granting an exemptive order pursuant to Section 6(c) of the Act would contribute to the stability of the international financial markets and would benefit institutional and other sophisticated investors in the United States who otherwise would be precluded from purchasing securities issued by foreign banks. Applicant also represents that it is subject to extensive regulation by German banking authorities and that such regulation affords protection to investors beyond that provided in the Act. Applicant asserts that a commercial bank, such as Applicant, is necessarily a different type of institution from an investment company and is a type of institution not intended to be subject to the Act's requirements. Applicant concludes that granting an exemptive order pursuant to Section 6(c) of the Act would be necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 18, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, and order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-22542 Filed 7-31-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22139; 70-6568]

Ohio Power Co. and Windsor Power House Coal Co.; Proposed Financing of New Coal Preparation Facilities

July 24, 1981.

In the matter of Ohio Power Company Inc. and Windsor Power House Coal Company, 301 Cleveland Avenue, S.W., Canton, Ohio 44702 (70-6568).

Ohio Power Company ("Ohio Power"), an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP") and Windsor Power House Coal Company ("Windsor") a wholly owned mining subsidiary, of Ohio Power have filed an application-declaration with this Commission pursuant to Sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act"), and Rule 50(a)(3) promulgated thereunder as applicable to the proposed transaction.

Windsor mines coal and sells and delivers it to Ohio Power. Windsor operates a deep mine located in Brooke County, West Virginia, (the "Windsor Mine") which has current proven recoverable reserves of approximately 33 million tons of clean coal. The current capacity of its mining operation is approximately 600,000 tons per year. The forecasted clean coal production from Windsor is 680,000 tons per year through 1985 and 1,000,000 tons per year thereafter. Based upon current mine plans and projections and the recoverable reserves estimates, the "life expectancy" of the mine is 35 years.

The mine is a four section mine producing 1,080,000 raw tons of coal per year at its capacity for the next five years. There is a possibility that after mining through the mine area having a current projected capacity of 680,000 clean tons, another area will be reached that would potentially permit production of up to 1,000,000 clean tons per year. New capital investment would be required to realize increased production but these amounts have not yet been determined.

The company is exploring the potential of surface mining on some of its property. In order to form logical mining units, it may be necessary to combine these reserves with reserves held by others. This coal is expected to be washed at the new Windsor

preparation plant. Studies are indicating that certain quality characteristics of the coal produced at the Windsor mine can be improved when washed together with the surface coal coming from two other seams. Run-of-mine coal from the Windsor Mine is characterized by its inherent low ash fusion temperature in combination with relatively low BTU and high ash content, both of which contribute to a slagging problem when the coal is burned. One of the reasons for the slagging problem is inadequate washing of the Windsor Mine coal.

The existing preparation plant facilities have become obsolete and inadequate due to mechanization of mining methods subsequent to 1944 when the facilities were completed. These facilities are not capable of producing the required quality. Current environmental regulations and economic constraints require that coal be washed in order to comply with and maintain air quality emission standards and promote maximum availability from each generating unit. Continued use of antiquated facilities would substantially preclude any increase in quality or quantity of clean coal produced at the Windsor Mine. Its continued use would result in the inability of Ohio Power's Cardinal Plant to use clean coal shipped from the facilities at the Windsor Mine. Ohio Power and Windsor believe it is not feasible due to the age of the preparation plant to upgrade it to treat and wash all sizes of coal produced by the Windsor Mine properly.

Windsor proposes to construct a new preparation plant which will be designed to wash all of the coal produced at the Windsor Mine at a cost of approximately \$10,900,000. The ability to wash all sizes of the coal produced at the Windsor Mine will enable Windsor to produce a consistent coal of higher quality which can be burned at Ohio Power's plants using such coal. Furthermore, this higher quality coal can be burned at Ohio Power's Cardinal Plant, which cannot currently use the low quality Windsor coal.

To achieve long-term operational economies, the new preparation plant would be built to accommodate the current, as well as the anticipated, raw production potential of the Windsor Mine. While the current raw coal production level at the Windsor Mine is approximately 4,000 raw tons per day, the new preparation plant will have a washing capacity of approximately 8,000 raw tons per day. A temporary surplus preparation plant capacity would result for at least 5-7 years.

Windsor believes that during the interim period of surplus capacity, the use of the new preparation plant by

associated and non-affiliated companies would be advantageous to both Windsor and Ohio Power, because revenue from such use of the new preparation plant would be credited to operating and capital costs of Windsor and would result in a lower net cost of Windsor production. The use of the Windsor coal cleaning facilities in connection with other affiliate transactions or for nonaffiliate parties, however, would be the subject of a separate, future application.

As part of the proposed coal handling facilities of the new preparation plant, Windsor proposes to build a conveyor belt to transport the clean coal from the preparation plant to a barge loading point. The conveyor belt would be approximately one mile in length and cost approximately \$5,600,000. Until the conveyor is completed, the cleaned coal will be transported by truck to an existing river load-out facility for barge loading.

In conjunction with the construction of the preparation plant and coal handling facilities, Windsor would place into operation an acid mine drainage treatment facility and associated drainage structures which will capture and treat the run-off water from the preparation plant and coal storage areas and will ensure that water run-off is in compliance with applicable federal, state and local laws and regulations. The cost of the acid mine drainage facility will be approximately \$1,400,000.

The aggregate cost of the new preparation plant at the Windsor Mine and its related facilities, including mine development and reclamation expenditures, is projected to be approximately \$21,800,000. The cost of the new preparation plant and related facilities will be financed through a combination of long-term loans and cash capital contributions from Ohio Power to Windsor during the period of construction. The portions of each investment by Ohio Power in Windsor represented by long-term loans and cash capital contributions respectively will correspond to the debt-equity ratio of Ohio Power as of the end of the calendar year prior to the time each investment is made. As of December 31, 1980, the capitalization ratios of Ohio Power were 55.9%, 11.8%, and 32.3%, for debt, preferred and common equity, respectively.

In exchange for the long-term loans of Ohio Power, Windsor will issue to Ohio Power Promissory notes for the principal amount of such loans. Each of the notes will mature and become payable on December 31, 2010. It is proposed that the interest rate per annum on each note issued by Windsor shall, in each case,

be equal to the effective interest cost of Ohio Power's most recently issued series of First Mortgage Bonds. The most recently issued series of Ohio Power's First Mortgage Bonds, the 15¼% Series due March 1, 1988 issued in February 1981, have an effective interest cost to Ohio Power of 15.4% per annum.

The capital contribution to be made by Ohio Power to Windsor for the investment in the new preparation plant and its related facilities would equal the equity component of the debt-equity ratio of Ohio Power as of December 31, 1980. It is proposed that the return on equity applicable to this capital contribution shall be based on the weighted cost of money of Ohio Power's last issue of preferred stock (Ohio Power's last issue of preferred stock was the \$2.27 series with a cost to Ohio Power equal to 9.46%) and the rate of return on common equity determined and allowed by the Federal Energy Regulatory Commission (FERC) in the most recent wholesale rate proceeding involving Ohio Power. Since there is presently no such applicable FERC order, it is proposed that the cost of common equity capital of Windsor to be included in a return on equity be set at 13%, which is not more than the level allowed in the most recent order of the Public Utilities Commission of Ohio in a retail rate proceeding involving Ohio Power. Based on Ohio Power's debt-equity ratio, the interest rate on the long-term note and the return on equity stated above, the overall cost of capital to Windsor would be 13.93%.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by August 17, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-22543 Filed 7-31-81; 8:45 am]

BILLING CODE 8010-01-M

[File Nos. SR-Amex-77-5 and SR-Amex-81-9]

Order Approving Certain Proposed Rule Changes by American Stock Exchange, Inc.

July 27, 1981.

In the matter of American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006. (File No. SR-Amex-77-5 and File No. SR-Amex-81-9).

On March 29, 1977, the American Stock Exchange, Inc. (the "Amex") filed with the Commission pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s (b), and Rule 19b-4 thereunder, 17 CFR 240.19b-4, proposed rule changes to amend its constitution, rules and policies relating to membership and association with members. (File No. SR-Amex-77-5) ¹ The Amex stated that the proposed rule changes were designed, in general, "to liberalize [its rules] in light of the 1975 Amendments * * * and to eliminate certain regulatory constraints on the capital-raising efforts of member organizations." On April 29, 1977, the Amex filed an amendment to expand the description of the purpose and basis of the proposed rule changes and any burden on competition imposed by them. Notice of the proposed rule changes, as amended, together with the terms of substance, was given in Securities Exchange Act Release No. 13514 (May 6, 1977) and published in the *Federal Register* (42 FR 25550). Interested persons were invited to submit written data, views and arguments by June 8, 1977. The Commission did not receive any comments concerning the proposed changes.

On December 14, 1977, the Commission approved certain of the proposed rule changes contained in File No. SR-Amex-77-5 and deferred action on other proposed rule changes in that filing pending further review of those changes. On January 26, August 8 and September 8, 1978, the Amex submitted minor amendments to two of the proposed rule changes on which the

Commission had deferred action. On June 13, 1979, the Commission, in Securities Exchange Act Release No. 15912 (44 FR 36277), approved additional revisions contained in SR-Amex-77-5. The principal changes were revisions to Amex Rule 342 that eased restrictions on the ability of persons associated with an Amex member or member organization to establish or maintain other business affiliations.

On April 27, 1981, the Amex filed with the Commission, pursuant to Section 19(b) of the Act and Rule 19b-4 thereunder, a new proposed rule change concerning its rules relating to membership and association with members (File No. SR-Amex-81-9). The proposed changes contained in File No. SR-Amex-81-9 establish standards for determinations to be made by the Amex regarding admission to membership and approval of financial matters relating to members. On June 1, 1981, the Amex filed with the Commission a fifth amendment to SR-Amex-77-5 and a first amendment to SR-Amex-81-9 containing a technical change. The proposed amendments to SR-Amex-77-5 require certain categories of persons associated with a member to become "approved persons" and specify the standards under which the Amex will approve such persons. Notice of the proposed changes contained in SR-Amex-77-5 was given in Securities Exchange Act Release No. 17862 (June 15, 1981) and was published in the *Federal Register* (46 FR 32115, 32116).

The Commission has determined at this time to approve the remaining proposed rule changes contained in SR-Amex-77-5, as amended, and the proposed rule changes contained in SR-Amex-81-9, as amended. In addition, the Commission has approved the proposed deletion of various existing Amex rules that are superseded or rendered unnecessary by the rules approved in this order, and the Amex has withdrawn a number of such proposed changes from the filings. The changes being approved contribute to the fair administration of the Amex, conform certain of the Amex's rules to the requirements of the Act, as amended, and the rules thereunder, and generally eliminate restrictions upon membership that are not required by the Act.

The changes in SR-Amex-77-5 that the Commission is today approving are: (1) amendment of the definition of the term "allied member";² (2) amendment of the definition of the term "approved person";³ (3) redesignation of a number

Section (k) that eliminates, subject to a grandfather provision, the Canadian exception to the Amex's existing requirement that every Amex member be a partnership or corporation created or organized under the laws of, and maintain its principal place of business in, the United States;⁴ (5) the definition of the term "engaged in a securities of kindred business";⁵ (6) clarification of the conditions to become a "member" or "allied member";⁶ (7) the conditions for approval as an approved person⁷ including a special provision concerning the examination of books and records of approved persons that are domiciled outside of the United States;⁸ (8) lists of information to be submitted to the Amex by corporations applying to become members;⁹ (9) a revision relating to the issuance of securities by member corporations;¹⁰ and (10) a clarification of language concerning specialist joint accounts.¹²

The changes in SR-Amex-81-9, relating primarily to Amex membership and association with Amex members and member organizations, that the Commission is today approving are: (1) revisions relating to approval of member organizations;¹³ (2) revisions concerning standards for allied members and approval of members and persons associated with members;¹⁴ (3) a requirement that a majority of the members of the board of directors of an Amex member corporation be members, allied members of approved persons;¹⁵ (4) a revision concerning Amex approval of restoration of, or an increase in, capital or surplus;¹⁶ (5) revisions concerning Amex approval of transactions in securities and the use of proceeds of any offering.¹⁷

With respect to the proposed rule changes referenced above that the Commission is today approving, the Commission finds that such proposed rule changes as set forth in File Nos. SR-Amex-77-5 and 81-9 are consistent with the requirements of the Act and rules and regulations thereunder

¹ Redesignation of Article IV, Sections 2(l) and (m) as Sections (j) and (k), respectively; Rules 310(c), (d) and (e) as Rules 310(a), (b) and (d), respectively; and Rule 312(h) as Rule 312(e).

² Article IV, Section (k).

³ "Definitions," paragraph 16.

⁴ Rule 310(a).

⁵ Rule 310(d).

⁶ Rule 310.01.

⁷ Rule 310(c).

⁸ Rule 312(e).

⁹ Rule 365.

¹⁰ Article IV, Sections 2(a), 2(d) and 2(e).

¹¹ Article IV, Sections 1(c)(ii) and 2(b).

¹² Article IV, Section 2(e)(3).

¹³ Article IV, Section 2(e)(5).

¹ Amex filings SR-Amex-77-5 and 81-9 are similar to two New York Stock Exchange filings (SR-NYSE-77-13 and 14) that have been approved by the Commission. See Securities Exchange Act Release Nos. 17473 (January 21, 1981), 16360 (November 21, 1979) and 15689 (April 2, 1979).

² Article I, Section 3(c).

³ Article I, Section 3(g).

applicable to national securities exchanges.¹⁸

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, 15 U.S.C. 78(s)(b)(2), that the proposed amendments to the rules enumerated above be and hereby are, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-22540 Filed 7-31-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22140; 70-6625]

**Southwestern Electric Power Co.;
Proposed Installment Sale Agreement
for Financing of Pollution Control
Facilities; Exception From Competitive
Bidding**

July 24, 1981.

In the matter of Southwestern Electric Power Company, P.O. Box 1106, Shreveport, Louisiana 71156 (70-6625).

Southwestern Electric Power Company ("Company"), an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed an application-declaration with this Commission under Sections 6(a), 7, 9, 10 and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 44(b)(3) and 50(a)(5) thereunder.

Southwestern Electric Power Company has begun construction of a 640 megawatt, lignite-fueled electric generating plant ("Unit") near Hallsville, Texas at an estimated total cost of \$452,302,000.

It is necessary to acquire and construct certain air, water and solid waste pollution control facilities ("Facilities") as part of the Unit in order to comply with applicable state and federal environmental control standards. The Company proposes to enter into an Installment Sale Agreement ("Agreement") with the Sabine River Authority of Texas ("District"), an instrumentality of the State of Texas, pursuant to which the District would undertake the financing of the Facilities. The Agreement would provide for the transfer by the Company to the District of the Company's interest in the Facilities as they exist at the time the Agreement is entered into, and would provide that the Company be reimbursed for its cost of acquiring and constructing the property so transferred. The Company would then cause the construction of the Facilities to be

completed for the District and would be reimbursed by the District for the cost of such construction. Title to the Facilities would be in the District during the period of construction. Upon completion of construction, title to the Facilities would automatically vest in the Company.

The District will finance the acquisition and construction of the Facilities and related costs through the issuance and sale, concurrently with the execution of the Agreement, of the District's pollution Control Revenue Bonds or Notes ("Bonds"), in an aggregate amount presently estimated at \$80,000,000. The Bonds will be issued under a trust indenture ("Indenture") with a corporate trustee ("Trustee") to be selected by the Company. The District will adopt a resolution agreeing to issue the Bonds, under the conditions contemplated by the Agreement and the Indenture, for the purpose of financing the Facilities.

The Bonds will bear interest semi-annually and will mature at a date or dates not more than three years from their nominal date of issue. The interest rate, maturity date and redemption provisions applicable to the Bonds will be determined by negotiations between the Company and the underwriters. It is expected that the Bonds will be refinanced or refunded by the Company at or prior to their maturity.

Bond Counsel have informed the Company that they will be prepared to give a legal opinion that interest on the Bonds will be exempt from Federal income taxation. While it is not possible to ascertain in advance precisely the interest rate which may be obtained in connection with the issuance of the Bonds, the Company has been advised that similar tax-exempt bonds currently carry an annual interest rate approximately 2%-4% lower than comparable taxable bonds.

Except as otherwise required under the Indenture, the proceeds from the sale of the Bonds will be placed in a construction fund created and established under the Indenture and will be disbursed from time to time to pay or to reimburse the Company for the cost of construction of the Facilities (including the cost of construction paid by the Company prior to the acquisition of the Facilities from the Company and interest on the Bonds during construction), the Trustee's expenses, the District's administrative and overhead expenses and all other costs and expenses incurred in connection with the issuance and sale of the Bonds.

In the event the amounts in the construction fund are insufficient to pay

such costs, the Agreement obligates the Company to pay all additional amounts.

The Agreement will contain an unsecured commitment by the Company to pay to the District at specified times, in payment of the purchase price for the Facilities, amounts sufficient to enable the District to pay debt service on the Bonds, including principal, interest and redemption premium, if any. Pursuant to the Indenture, the District will assign to the Trustee all such amounts payable under the Agreement. The Bonds will be special obligations of the District, payable only out of purchase price payments made by the Company and will not be an obligation of the District payable from its general revenues or any tax assessment.

It is contemplated that the Bonds will be sold by the District pursuant to an agreement ("Underwriting Agreement") between the District and an underwriting group consisting of or represented by Morgan, Stanley & Co. Incorporated, Shearson Loeb Rhoades Inc., and Salomon Brothers. The underwriters may, if market conditions at the time of offering dictate, add other underwriters to assist in the offering and sale. The Company will not be a party to the Underwriting Agreement, but the Underwriting Agreement will be subject to approval by the Company and the Company will enter into a letter of representation with the underwriters, containing various warranties, representations and indemnities on which the underwriters will rely in entering into the Underwriting Agreement.

The Company requests that the Agreement be excepted from the competitive bidding requirements of Rule 50.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by August 17, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be

¹⁸ Rule 312(g), (h) and (i).

amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-22544 Filed 7-31-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0282]

Issuance of License; Benox, Inc.

On February 19, 1981, a Notice was published in the *Federal Register* (46 FR 13058) stating that an application had been filed by Benox, Incorporated, 17295 East Railroad Street, City of Industry, California 91749, with the Small Business Administration pursuant to Section 107.102 of the Regulations governing small business investment companies (SBICs).

Interested parties were given until the close of business March 5, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, the SBA issued License No. 09/09-0282 to Benox, Incorporated, to operate as an SBIC, effective June 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 29, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-22521 Filed 7-31-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0278]

Issuance of License; I.B.S.I.

On February 10, 1981, a Notice was published in the *Federal Register* (46 FR 11749) stating that an application had been filed by I.B.S.I. Capital Corporation, 756 Bridgeway, Sausalito, California 94965, with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (SBICs).

Interested parties were given until the close of business February 25, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business

Investment Act of 1958, as amended, after having considered the application and all other pertinent information, the SBA issued License No. 09/09-0278 to I.B.S.I. Capital Corporation, to operate as an SBIC, effective June 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 29, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-22520 Filed 7-31-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1993]

Pennsylvania; Declaration of Disaster Loan Area

Venango County and adjacent counties within the State of Pennsylvania constitute a disaster area, as a result of damage caused by flooding which occurred on February 17, 1981, due to ice jamming in Oil Creek, City of Oil City. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 25, 1981, and for economic injury until the close of business on April 17, 1982, at:

Small Business Administration, District Office, 1000 Liberty Avenue, Room 1401, Pittsburgh, Pennsylvania 15222

or other locally announced locations. For recent changes in disaster loan eligibility, see 46 FR 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008).

Dated: July 27, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-22519 Filed 7-31-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-0199]

Venture Capital Corporation of America; Surrender of License

Notice is hereby given that, pursuant to Section 107.105 of the Small Business Administration (SBA) Rules and Regulations governing Small Business Investment Companies (13 CFR 107.105 (1981)), Venture Capital Corporation of America, 4875 North Federal Highway, Fort Lauderdale, Florida 33308, incorporated under the laws of the State of Florida, has surrendered its license, No. 04/04-0199, issued by the SBA on January 7, 1981.

Venture Capital Corporation of America has complied with all

conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the above-cited Regulation, the license of Venture Capital Corporation of America is hereby accepted and it is no longer licensed to operate as a Small Business Investment Company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 27, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-22518 Filed 7-31-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-81-21]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before August 24, 1981.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. —, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a

copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue,

SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on July 24, 1981.

Edward P. Faberman,
Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
21063	Denver Jet	14 CFR 135.243	Reconsideration of the denial of petitioner's petition to allow him to serve as pilot in command (PIC) for DJI without holding an airline transport pilot certificate (ATPC).
20899	United Air Lines, Inc.	14 CFR 121.311(f)	Reconsideration of the denial of petitioner's petition to permit certain of petitioner's required flight attendants to occupy passenger seats on B-727 and DC-8 aircraft which are not in compliance with § 25.785(h).
20770	Accelerated Ground Training, Inc.	14 CFR 63.39(b)(2)	Reconsideration of the conditions and restriction in Exemption 3232 on petitioner's petition to permit flight engineer applicants being trained by petitioner to show, in an approved simulator, that the applicants can satisfactorily perform the normal duties and procedures relating to the airplane, airplane engines, propeller (if appropriate), systems, and appliances.
21773	Hawaiian Air Tour	14 CFR 91.50	To permit petitioner to operate its DH-114-2X aircraft without an operable pitot heat indicating system.
13141	Trans World Airlines, Inc.	14 CFR 121.433, 121.441, and 121.443	To permit the second in command pilot to occupy the pilot in command (PIC) position during in-flight cruise only and to permit the international relief pilot to occupy the second in command position during cruise flight only while PIC rests.
21843	Pan American World Airways (PAA)	14 CFR 121.311(b)	To permit flight attendants to occupy, on petitioner's B-727-100 airplanes, a mid-cabin aisle passenger seat which is not designed to support the flight attendant's head.
20388	Wiggins Airways	14 CFR 135.1 (a) and (b)	Reconsideration of the denial of petitioner's petition to permit petitioner to operate specific Bell 206 helicopters on a wet-lease agreement for the exclusive use of two Boston area television (TV) stations, WCVB-TV-5 and WBX-TV-4 and to use pilots who are not 135 qualified as crewmembers on the proposed contract operation.
6955	American Airlines Training Corporation	14 CFR 61.58(c)	To amend Exemption 2473C to permit petitioner to conduct the entire 24-month proficiency training/checks utilizing simulators in addition to its Cessna Citation 500 simulator allowed under the present exemption.
21611	Falcon Jet Corporation	14 CFR 25.1326	To allow all owners and operators of Fan Jet Falcon and Fan Jet Falcon series C, D, E, and F aircraft equipped with a red pitot heat indicator light to continue to operate without changing the pitot heat indicator light to amber.
20452	Dresser Industries, Inc.	14 CFR 61.58(c)	To extend Exemption No. 3061 which allows petitioner's pilots to complete the entire 24-month pilot-in-command proficiency check in an FAA-approved simulator.
21882	Fairchild Swearingen Corporation	SFAR 41	To allow petitioner to operate the Metro models SA 227-AC/-AT series airplanes with a 5% (625 pound) increase in zero fuel weight.
21967	Texas Department of Public Safety	14 CFR 91.65(b), 91.70(b), 91.73(a), 91.79(c), 91.85(b), and 91.109(a)	To permit petitioner to conduct certain law enforcement flight operations in close proximity to suspect aircraft; in airport traffic areas at speeds greater than the authorized limits; without operating the aircraft's position lights; at less than 500 feet above the surface over other than congested areas; in airport traffic areas other than to land at or take off from an airport in that area; and/or in deviation from prescribed VFR cruising altitudes.
19752	Transamerica Airlines, Inc.	14 CFR 121.291(a)	To extend Exemption 26885A which permits petitioner to operate B747 aircraft in a 546 passenger seat capacity configuration without conducting an evacuation demonstration.
21974	Omniflight Helicopters, Inc.	14 CFR 135.261(b)	To allow petitioner to operate helicopters in hospital emergency evacuation service without complying with the duty-time limitations.

Dispositions of Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
21978	John Michael Frank and Theos D. McKinney	14 CFR 61.65(e)(1)	To permit petitioner to apply for an instrument-helicopter rating to be added to their pilot certificates even though they do not have the required 50 hours of cross-country flight experience in helicopters. <i>Granted 7/16/81.</i>
21736	Pacific Southwest Airlines (PSA)	14 CFR 121.291(a)(2)(i)	To permit PSA to increase the passenger-seating capacity of its B-727-200 airplanes from 163 to 175 passengers without first conducting a full-scale demonstration of emergency evacuation procedures. <i>Granted 7/16/81.</i>
21674	United Air Lines, Inc.	14 CFR 121.291(a)(2)(i)	To permit an increase in the seating capacity of B-737-200 series aircraft from 103 to 136 passengers without conducting a full-scale emergency evacuation demonstration. In addition in the event any of United's B-737 aircraft are operated with less than 136 passenger seats, its operations specifications provide that the minimum required number of flight attendants be established in accordance with § 121.291. <i>Partial granted 7/16/81.</i>

Dispositions of Petitions for Exemption—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
20493	Electrospace System, Inc.	14 CFR 65.91(c)(2)	To permit Mr. Ron Spatafora to become eligible for an inspection Authorization without fully complying with the eligibility requirements. <i>Denied 7/17/81.</i>
21755	Experimental Aircraft Association	14 CFR 61.3 (b) and (c) and 91.27 (a)(1) and (a)(2)	To permit certain Australian aircraft to operate in the U.S. without valid airworthiness certificates and registration certificates. <i>Granted 7/17/81.</i>
20392	Pennsylvania Commuter Airlines, Inc.	14 CFR 21.197	Extension of Exemption No. 3000. The present exemption permits petitioner to obtain a special flight permit with continuing authority for aircraft maintained under a continuous airworthiness maintenance program. <i>Granted 7/17/81.</i>
18109	Airborne Express, Inc.	14 CFR 121.371(a) and 121.378	To extend Exemption 2581A which allows the functions specified in those sections to be completed for petitioner on their Caravelle SE-210-6R airplanes by foreign manufacturers and air repair agencies when the maintenance is performed outside the U.S. <i>Granted 7/20/81.</i>

[FR Doc. 81-22419 Filed 7-31-81; 6:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 147—Threat Alert and Collision Avoidance System/Active Beacon Collision Avoidance System (TCAS/BCAS); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 147 on Threat Alert & Collision Avoidance System/Active Beacon Collision Avoidance System (TCAS/BCAS) to be held on August 26-28, 1981 in RTCA Conference Room 267, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Second Meeting Held on April 23-24, 1981; (3) Status Report on FAA Threat Alert & Collision Avoidance System (TCAS) Program; (4) Review and Discussion of Committee Terms of Reference; (5) Consideration of Report Material Prepared by Drafting Groups; (6) Summary of Task Assignments; and (7) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on July 27, 1981.

Karl F. Bierach,
Designated Officer.

[FR Doc. 81-22418 Filed 7-31-81; 8:45 am]

BILLING CODE 4910-13-M

Snohomish County Airport Project; Notice of Intent

The Federal Aviation Administration (Lead Agency) and Snohomish County, Washington (Joint Lead Agency) intend to develop draft and final environmental impact statements for the construction of a new general aviation runway at the Snohomish County Airport (Paine Field).

Proposed Action and Possible Alternatives

The proposed action consists of constructing a new 3050 feet long by 75 feet wide general aviation runway to accommodate the anticipated increase in airport operations, reduce delays, increase safety, and reduce noise impacts on existing and proposed residential land uses.

The evaluation of seven alternative sites and the no build alternative (from preliminary site studies) will be reviewed and reasons given why these alternatives were not selected.

Scoping Process

A formal "scoping" meeting will not be held. The proposed action was the subject of an environmental assessment report. Persons wishing to review the environmental assessment in order to better understand the proposed action or provide comments regarding environmental concerns may review the assessment report at the following locations: The Snohomish County Airport, Northwest Region Federal Aviation Administration Airports Division Office (Seattle), Snohomish County Planning Department Library, Everett Public Library, Edmonds Public Library, Lynnwood Public Library, and Mukilteo Public Library.

Letters containing environmental concerns must be received by Mr. George Buley, Chief, Airports Planning and Programming Branch, FAA Building, King County International Airport, Seattle, Washington 98108 or by Mr. Donald Bakken, Airport Manager, Snohomish County Airport, Everett, Washington 98204 by September 1, 1981. Draft EIS Issue: November 1981.

Final EIS Issue: January 1982.

FAA Contact Person

Any questions concerning the proposed project and the EIS should be directed to: Dennis Ossenkop, ANW-614, Environmental Planning Officer, Federal Aviation Administration, FAA Building, Boeing Field, King County International Airport, Seattle, Washington 98108.

Dated: July 23, 1981.

George L. Buley,
Chief, Planning and Programming Branch,
ANW-610.

[FR Doc. 81-22417 Filed 7-31-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular; Public Debt Series—No. 22-81]

Treasury Notes of November 15, 1984; Series L-1984

July 30, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$4,250,000,000 of United States securities, designated Treasury Notes of November 15, 1984, Series L-1984 (CUSIP No. 912827 MD 1). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and

international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated August 17, 1981, and will bear interest from that date, payable on a semiannual basis on May 15, 1982, and each subsequent 6 months on November 15 and May 15 until the principal becomes payable. They will mature November 15, 1984, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$5,000, \$10,000, \$100,000 and \$1,000,000. Bookentry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, August 4, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, August 3, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$5,000, and larger bids

must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent

required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a $\frac{1}{4}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Monday, August 17, 1981. Payment in full must accompany tenders submitted by all other investors.

Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, August 13, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "the Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the

Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Paul H. Taylor,
Fiscal Assistant Secretary.

FR Doc 81-22725 Filed 7-31-81; 8:45 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

120-Bed Nursing Home Care Unit; Veterans Administration Medical Center, San Antonio, Texas; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of the proposed 120-Bed Nursing Home Care Unit (NHCU) at the San Antonio Veterans Administration Medical

Center (VAMC). Located directly adjacent to the existing main hospital building, the NHCU provides 50,000 gross square feet of space required to provide services to the aging veteran population in the 41 county primary service area of the San Antonio VAMC. Nursing home care is authorized by Congress as a part of the VA mission.

The NHCU project construction will include development of a new entrance road, drop-off area and additional surface parking consisting of 155 spaces. The structure, located west of the main hospital, includes an outdoor plaza area and a connecting corridor approximately 400 ft. in length.

The estimated project cost of approximately 13 million dollars is only a very preliminary concept estimate, and is subject to revision.

Project alternatives have been considered in the planning process. Two possible site locations were analyzed relative to environmental effects.

One proposal envisioned utilizing a site comprised of approximately 6.2 acres to be donated by the San Antonio Medical Foundation. However this area does have significant constraints that would impact development. These include a potential flood hazard area, logistics problems and excessive operating cost.

Only one area within the VAMC property appears to lend itself as to an acceptable functional location as well as allowing provisions for future development. The onsite location is the VA preferred alternative. The location does involve displacement of existing site features, including 120 parking spaces, but no significant structures, and includes only open space, walkways and removal of 15 trees and shrubs.

Development of the project will have impacts on the human and natural environment affecting open space and soil erosion. In addition, land form modification resulting from grading operations will occur creating new land contours. Unstable soil surface will be temporary. Short term effects of minor air degradation from construction activity and accompanying increases in noise from construction vehicles will also occur. In relation to both construction and operation, the project will be built in accordance with all applicable Federal, State and local air quality standards.

All environmental attributes analyzed would not be affected to any extent should the "No Action" alternative be selected.

The commitment of resources, energy and labor to implement the development is irreversible and permanent once the

project is in place. The commitment of land will be active only as long as the facility fulfills the mission of the VA.

Mitigation will occur during project development. Construction contract documents will have VA construction specifications which include the Environmental Protection section.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C., (202-389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: July 27, 1981.

Robert P. Nimmo
Administrator.

[FR Doc. 81-22476 Filed 7-31-81; 8:45 am]
BILLING CODE 8320-01-M

Clinical/Education/Outpatient Addition; Veterans Administration Medical Center, Pittsburgh, Pennsylvania; Finding of No Significant Impact

The Veterans Administration has assessed the potential environmental impact that may occur as a result of the construction of an addition to the main hospital building at the VA Medical Center in Pittsburgh, Pennsylvania. Total construction is proposed to be accomplished in phases over a number of years. The new construction will include expansion of ambulatory care service, clinical support areas, and supply processing and distribution.

The Veterans Administration searched for potential alternatives through construction at another location in Pittsburgh, but concluded that such action would not serve the veterans as efficiently and effectively as expansion at University Drive. Vertical expansion

is not structurally or functionally practical. The No Action alternative would have no environmental impacts but would allow service to the expanding veterans population to further deteriorate.

Development of the project will have minor impacts on the human and natural environment from demolition and construction noise, dust, fumes, visual impacts, and traffic/parking disturbance during construction. There will be a long term minimal increase to the city sewer system and treatment plant. The environment may impact the project by requiring increased structural considerations due to the geology and past mining activity of the area.

The commitment of labor, resources and energy to implement the construction of the project is irreversible and irretrievable once the project is in place.

Mitigation of the project impacts on the environment include appropriate noise, dust, fume and erosion control during demolition and construction as delineated in Veterans Administration Construction Specifications which include the Environmental Protection section. Additionally, all equipment selection and operational design should attempt to minimize noise which could affect the adjacent residential area and the rest of the hospital. EPA Regulations on handling of PCB's must be followed if replaced transformers meet the criteria (40 CFR 761).

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40, Code of Federal Regulations, § 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E. Director, Office of Environmental Affairs, Room 950, Veterans Administration, 1425 K Street, NW, Washington, DC. Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2526.

Dated: July 27, 1981.

Robert P. Nimmo,
Administrator.

[FR Doc. 81-22477 Filed 7-31-81; 8:45 am]
BILLING CODE 8320-01-M

Spinal Cord Injury Unit and Outpatient Clinic; Veterans Administration Medical Center, San Diego, California; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of the proposed Spinal Cord Injury Unit and Outpatient Clinic at the Veterans Administration Medical Center, San Diego, California.

The project consists of a two story, freestanding, 30-Bed Spinal Cord Injury Unit and Outpatient Clinic which will be connected to the main hospital by two 30 foot corridors. Total square footage is estimated to be 18,000. Because of the limited amount of unoccupied land at the Medical Center, only one site location was considered in the planning process.

Development of the project will have impacts on the human and natural environment affecting open space, noise levels and soil stability. In addition, land form modification resulting from grading operations will occur, creating new contours. During the constructional phase visual impacts will exist. Mitigating actions include implementation of through erosion control methods, dust and fume emission controls, onsite noise abatement techniques, landscaping and compatible architectural and open space design. The project will be built in accordance with all applicable Federal, State and local environmental standards. All environmental attributes would not be affected to any extent should the "No Action" alternative be selected.

The commitment of resources, energy and labor to implement the project is irreversible and permanent once the project is in place. The commitment of land will be active only as long as the facility fulfills the mission of the VA.

Environmental mitigative actions will occur during project development. Soil erosion control, noise control, and air quality control measures will be implemented and will comply with all Federal, State and local codes, as well as the VA construction specifications which include the Environmental Protection section.

The significance of the identified impacts has been evaluated relative to

the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached

based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C.,

(202-389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: July 27, 1981.

Robert P. Nimmo,
Administrator.

[FR Doc. 81-22478 Filed 7-31-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 148

Monday, August 3, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Credit Corporation.....	1
Commodity Futures Trading Commission.....	2
Federal Communications Commission.....	3-7
Federal Home Loan Bank Board.....	8
Nuclear Regulatory Commission.....	9
Tennessee Valley Authority.....	10

1

COMMODITY CREDIT CORPORATION.

TIME: 10:30 a.m.

DATE: July 29, 1981.

PLACE: Room 200, Administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Closed.

MATTER CONSIDERED: CCC participation in a civil action.

SUPPLEMENTAL INFORMATION: The General Counsel certified this meeting may be closed. All members of the Board present as follows voted to close this meeting:

1. John R. Block, Secretary of Agriculture, Chairman.
2. Seeley G. Lodwick, Member.
3. William G. Leshner, Member.
4. C. W. McMillan, Member.
5. Mary C. Jarratt, Member.
6. Frank W. Naylor, Member.

CONTACT PERSON FOR MORE

INFORMATION: Edward Hews, Acting Secretary, Commodity Credit Corporation, Room 3088, South Building, U.S. Department of Agriculture, Washington, D.C. 20013; Telephone (202) 447-7583.

[S-1109-81 Filed 7-30-81; 10:22 am]

BILLING CODE 3410-05-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 2 p.m., August 3, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C. eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Judicial Session.

CONTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6314.

[S-1168-81 Filed 7-29-81; 4:09 pm]

BILLING CODE 6351-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

Special Closed Commission Meeting

The Federal Communications Commission will hold a Special Closed Meeting on the subject listed below on Tuesday, August 4, 1981, following the Special Opening Meeting, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Broadcast—1—Title: 9 kHz Channel Spacing for AM Broadcasting. **Summary:** The Commission will consider comments filed in Docket 79-164, and other matters concerning 9 kHz AM Channel Spacing, in preparation for the November, 1981, Region 2 Administrative Conference on MF Broadcasting.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone (202) 254-7674.

Issued: July 28, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1171-81 Filed 7-30-81; 10:47 am]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

A Special Open Commission Meeting

The Federal Communications Commission will hold a Special Open Meeting on the subjects listed below on Tuesday, August 4, 1981, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No. and Subject

General—1—Title: FCC Participation in Telecommunications Technical Assistance. **Summary:** Efforts made in the area of telecommunications technical assistance do not meet existing international needs. The FCC is making an effort to upgrade the U.S. technical assistance activity in telecommunications.

General—2—Title: The amendment of Part 15 to provide for the operation of swept frequency automatic vehicle identification systems using microwave frequencies. (General Docket 80-283). **Summary:** This proceeding was initiated as a response to a petition for rule making filed by Siemens Corporation requesting changes necessary for marketing an automatic railroad car identification system under Part 15. The item before the Commission discusses the merits of this petition.

General—3—Title: Notice of Proposed Rulemaking Implementing the Equal Access to Justice Act. **Summary:** The Commission will consider adopting a Notice of Proposed Rulemaking to implement the Equal Access to Justice Act (EAJA), Pub. L. 96-481, 94 Stat. 2325. The EAJA provides for the award of attorney's fees to qualified parties who prevail over the federal government in certain administrative and court proceedings.

General—4—Title: Notice of Inquiry into Clarifying the Commission's Policy Regarding the Commission's Review of Character Qualifications in Broadcast Licensing. **Summary:** The Notice of Inquiry considers the need to examine and clarify the Commission's policies regarding the role of "character" as a qualification in the process. The Notice identifies the regulatory objectives underlying the character examination and considers whether these objectives may be achieved in a simpler and more direct manner.

General—5—Title: Amendment of Parts 2, 21, and 94 of the Commission's Rules to Allocate Spectrum at 18 GHz for, and to Establish other Rules and Policies Pertaining to the Use of Radio in Digital Termination Systems and in Point-to-Point Microwave Radio Systems for the Provision of Digital Electronic Message Services, and for other Common Carrier and Private Radio Services; and to Establish Rules and Policies for the Private Use of Digital Termination Systems at 10.6 GHz. **Summary:** The Commission considers the reallocation of a portion of the 17.7-19.7 GHz band to Digital Termination systems in Docket 79-188. It will consider also the channelization of another portion of the band for narrowband point-to-point uses including intermodal links associated with DTS stations. The Commission will address the private radio use of DTS at 18 GHz as well as at 10.6 GHz.

General—6—Title: Fiscal Year 1983 Budget Estimates to OMB—Commission-wide Priorities. **Summary:** This item provides for the OMB required priority ranking of the Commission's programs for the Fiscal Year 1983 Budget, as recommended by the Executive Director.

Private Radio—1—Title: Report and Order in General Docket 80-7 deleting Part 99 and amending Parts 2 and 90 to allocate HF

bands for state disaster communications use. *Summary:* The Commission will consider whether to adopt proposed rules which will delete Part 99 and amend Parts 2 and 90 of the rules to allocate HF frequencies to be used by the States, Territories, and Possessions of the United States in meeting disaster communications needs.

Private Radio—2—Title: Memorandum Opinion and Order denying a request to stay the decision in the First Report and Order in Docket No. 19671. *Summary:* The FCC will consider whether to deny a request for stay the June 25, 1981, effective date of its First Report and Order in Docket No. 19671 which would permit licensees in the Private Operational-Fixed Microwave Service to distribute products and services on certain frequencies. The request for stay was filed by the Central Committee on Telecommunications of the American Petroleum Institute.

Cable Television—1—CSR-1847(x); Petition for Waiver of the Cable Television-Network Cross-ownership Rules filed by CBS, Inc. This petition filed by CBS ask for waiver of the Commission's cross-ownership rule so that CBS may own cable television systems serving no more than 90,000 subscribers or one-half of one percent of the nation's cable television subscribers, whichever is less.

Cable Television—2—Request for waiver (CSR-1903X) of Section 76.501(a)(2) of the Commission's Rules, filed April 3, 1981, on behalf of Ralph P. Davidson. The Chairman of Time, Inc. and a director of its subsidiary, American Television and Communications (ATC) seeks to become a director of The Signal Companies, Inc. However ATC presently operates various cable television systems within the Grade B or better contour of certain television broadcast stations now licensed to Golden West Broadcasters, 49.9% of which is owned by Signal.

Assignment and Transfer—1—Title: Applications (BTC-800917FW and BTCH-800917FX) for voluntary transfer of control of Lake Valley Broadcasters, Inc., licensee of stations WIVS, Crystal Lake, Illinois, and WXRQ(FM), Woodstock, Illinois, from Malcolm K. Bellairs, et al. to Katy Communications, Inc. *Summary:* The Commission will consider the impact of two consent decrees relating to non-broadcast activities on the qualifications of the proposed transferee to acquire the stations.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: July 28, 1981.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S-1172-81 Filed 7-30-81; 10:48 am]

BILLING CODE 6712-01-M

5

FEDERAL COMMUNICATIONS COMMISSION.

Additional Item to be Considered at, August 4th Special Open Meeting

The agenda item listed below was inadvertently omitted from the July 28, 1981 Public Notice which listed the subjects to be considered at the Tuesday, August 4, 1981, Special Open Meeting, starting at 9:30 a.m. in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Cable Television—3—"Joint Petition for Partial Reconsideration" (CSR-1671, CSR-1672) filed April 8, 1981, by The Standard Corporation and by Communications Investment Corporation. The Standard Corporation and Communications Investment Corporation seek partial reconsideration of the Commission's decision in *The Standard Corporation*, FCC 81-88, 85 FCC 2d—(1981), partially granting the corporations' requested tax certificates.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: July 29, 1981.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S-1173-81 Filed 7-30-81; 10:49 am]

BILLING CODE 6712-01-M

6

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of Agenda Item From July 30th Open Meeting

The following item has been deleted at the request of the Common Carrier Bureau from the list of agenda items scheduled for consideration at the July 30, 1981 Open Meeting, and previously listed in the Commission's Notice of July 23, 1981.

Agenda, Item No., and Subject

Common Carrier—2—Title: In the Matter of Impact of Customer Provision of Terminal Equipment on Jurisdictional Separations (Docket No. 20981). *Summary:* The Commission will consider a Third Supplemental Notice appointing the current

members of the Joint Board in Docket No. CC 80-286, a related proceeding, to serve on the Joint Board in this docket in order to conduct remaining business.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: July 29, 1981.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S-1174-81 Filed 7-30-81; 10:49 am]

BILLING CODE 6712-01-M

7

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of Agenda Item From July 30th Open Meeting

The following item has been deleted at the request of the General Counsel from the list of agenda items scheduled for consideration at the July 30, 1981 Open Meeting, and previously listed in the Commission's Notice of July 23, 1981.

Agenda, Item No., and Subject

General—1—Title: Applications for renewal and voluntary assignment of licenses of station WIRA (AM) and WOVV (FM), Ft. Pierce, Florida, from Indian River Broadcasting Company to David A. Roth. *Summary:* The Commission granted the applications for license renewal and transfer of radio stations WIRA-AM and WOVV-FM, Ft. Pierce, Florida, without prejudice to whatever action the Commission may wish to take with respect to the license renewal of station WKUL, Cullman, Alabama. The owners of the three stations have been found guilty by the Commission of misconduct at the Cullman station, but judicial review of that finding is pending.

The following items have been deleted at the request of the Chairman's Office from the list of agenda items scheduled for consideration at the July 30, 1981 Open Meeting, and previously listed in the Commission's Notice of July 23, 1981.

Agenda, Item No., and Subject

Aural—3—Title: Application of Hispanic Communications Corporation for a construction permit to add nighttime operation at daytime AM station KIFN, Phoenix, Arizona; and applicant's request for waiver of Sections 73.24(j) and 73.37(e)(2). *Summary:* The Commission considers the proposal and in particular its failure to comply with principal-city coverage requirements.

Private Radio—1—Title: Petition (RM-3388) for type acceptance of radio equipment to be used as a radio homing device (RHD) on the frequency 27.255 MHz. *Summary:* The Commission will consider whether to grant or dismiss the instant petition.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: July 29, 1981.

William J. Tricarico,
Secretary, Federal Communications
Commission.

[S-1175-81 Filed 7-30-81; 10:50 am]

BILLING CODE 6712-01-M

8

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF
PREVIOUS ANNOUNCEMENT: To be
published.

PREVIOUSLY ANNOUNCED TIME AND DATE
OF MEETING: 10 a.m., Thursday, July 30,
1981.

PLACE: 1700 G Street, N.W. board room,
sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE
INFORMATION: Mr. Marshall (202-377-
6679).

CHANGES IN THE MEETING: There is a
correction to be made in the Board
meeting date listed on Federal Register
notice regarding Geographic Restrictions
Regarding Remote Services Operations.
The notice stated the meeting was being
held on July 30, 1981, it should have
Thursday, August 6, 1981.

No. 522, July 29, 1981.]

[S-1170-81 Filed 7-30-81; 10:45 am]

BILLING CODE 6720-01-M

9

NUCLEAR REGULATORY COMMISSION.

DATE: Week of August 3, 1981.

PLACE: Commissioners' Conference
Room, 1717 H Street, NW., Washington,
D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Wednesday, August 5—2:00 p.m.:

Briefing on TMI Action Plan

Thursday, August 6—3:00 p.m.:

Affirmation/Discussion Session
Items to be affirmed and/or discussed:

- Proposed Rule: TMI-Related
Requirements for Operating Reactors
- Review of Director's Denial
(Commonwealth Edison)
- Physical Security Requirements for
Nonpower Reactor Licensees Possessing
a Formula Quantity of SSNM

d. Director's Denial of 2.206 Relief (Long
Island Lighting Co.)

ADDITIONAL INFORMATION: The Budget
Session, announced for July 28, was not
held. The Affirmation/Discussion
Session, scheduled for July 29, was
cancelled.

AUTOMATIC TELEPHONE ANSWERING
SERVICE FOR SCHEDULE UPDATE: (202)
634-1498. Those planning to attend a
meeting should reverify the status on the
day of the meeting.

CONTACT PERSON FOR MORE
INFORMATION: Walter Magee (202) 634-
1410.

Walter Magee,

July 29, 1981.

Office of the Secretary.

[S-1177-81 Filed 7-30-81; 3:33 pm]

BILLING CODE 7590-01-M

10

TENNESSEE VALLEY AUTHORITY: [Meeting
No. 1271]

TIME AND DATE: 9 a.m. (edt), Thursday,
August 6, 1981.

PLACE: Conference Room B-32, West
Tower, 400 Commerce Avenue,
Knoxville, Tennessee.

STATUS: Open.

DISCUSSION ITEMS:

- Staff review of nuclear plant
construction timetable.
- Staff presentation of preliminary rate
review.

ACTION ITEMS:

A—Project Authorizations

- Project Authorization No. 3375.1—
Amendment to Project Authorization for ash
disposal area dike raising at Cumberland
Steam Plant—Phase II.
- Project Authorization No. 3351.1—
Amendment to Project Authorization for
performing cooling tower modifications to
upgrade thermal performance at Browns
Ferry Nuclear Plant Units 1-3.

B—Purchase Awards

- Amendment to Contract Nos. 73060-
75210 and 75K60-84840-1 With General
Electric Company for the nuclear steam
supply systems for the Hartsville and Phipps
Bend Nuclear Plants.
- Reg. NO. 179371—License/engineering/
erection startup advice agreement for a two-
module plant using the Koppers-Lotzek coal
gasification process.

D—Personnel Items

- Change of status for John S. Barron,
from Assistant to the Director, to Assistant

*Items approved by individual Board members.
This would give formal ratification to Board's
action.

Director of Information, Office of the General
Manager, Knoxville, Tennessee.

2. Renewal of consulting contract with John
M. Kellberg, Knoxville, Tennessee, for
consultation on major hydro projects and
engineering problems associated with
thermal power plants, requested by the Office
of Engineering Design and Construction.

3. Renewal of consulting contract with Roy
W. Carlson, Berkeley, California, for advice
and assistance in the field of concrete dam
construction and inspection, requested by the
Office of Engineering Design and
Construction.

4. Renewal of personal services contract
with ITT Grinnell Corporation, Providence,
Rhode Island, for services in connection with
the design of onsite pipe supports for the
Bellefonte Nuclear Plant, requested by the
Office of Engineering Design and
Construction.

5. Renewal of personal services contract
with Hartford Steam Boiler Inspection and
Insurance Company, Hartford, Connecticut,
for performance of authorized inspection
services at TVA nuclear plant sites,
requested by the Office of Engineering Design
and Construction.

E—Real Property Transactions

- Filing of condemnation suits.
- Sale of permanent easement to Thomas
McLemore for a road right of way affecting
approximately 0.54 acre of Tellico Reservoir
land in Monroe County, Tennessee—Tract
XTTEL-9H.

*3. Grant of permanent easement of
Monroe County, Tennessee, for construction,
operation, and maintenance of appurtenant
wastewater treatment plant facilities
affecting approximately 0.77 acre of Tellico
Reservoir land—Tract No. XTTEL-11E.

4. Grant of permanent easement to the
State of Tennessee, Department of
Conservation, for recreation and scenic
protection purposes and road rights of way,
affecting approximately 488 acres of Tellico
Reservoir land located in Monroe County,
Tennessee (450-acre Fort Loudoun Island
Site and 38-acre Tellico Blockhouse Site)—
Tract Nos. XTTEL-6RE, XTTEL-7RE, and
XTTEL-9H

CONTACT PERSON FOR MORE

INFORMATION: Craven H. Crowell, Jr.,
Director of Information, or a member of
his staff can respond to request for
information about this meeting. Call
(615) 632-3247, Knoxville, Tennessee.
Information is also available at TVA's
Washington Office (202) 245-0101.

Dated: July 30, 1981.

[S-1176-81 Filed 7-30-81; 3:18 pm]

BILLING CODE 6120-01-M

Federal Register

Monday
August 3, 1981

Part II

Department of Transportation

Federal Aviation Administration

**Transport Airplane Takeoff Performance
Requirements Conference**

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

Transport Airplane Takeoff
Performance Requirements
Conference

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Notice of Public Technical
Conference.

SUMMARY: This notice announces a public technical conference to solicit and review information on the subject of takeoff and accelerate-stop distance and takeoff flightpath requirements for transport category airplanes. As part of this review, all factors affecting takeoff and accelerate-stop distance, including runway contamination (wet runway accountability, effect of loose dry snow, etc.) and mandatory requirements for anti-skid systems will be considered. Associated factors such as line-up distance, tire failure, surface winds, decision speeds, automatic braking systems, reverse thrust, screen height, obstacle clearance and flightpath criteria, including all engines, and one-engine inoperative with reduced thrust, temperature inversion accountability, and automatic takeoff thrust control systems (ATTCS) will be discussed. The objective of the conference is to gather information on minimum acceptable safety levels, alternatives, costs, benefits, and other factors affecting the subject.

DATES: Abstracts of material to be presented are requested by September 28, 1981. The Conference is tentatively scheduled to take place on November 16-20, 1981. A schedule will be announced in the Federal Register as soon as arrangements are complete.

ADDRESS: The Conference will tentatively take place in the Seattle Hilton in Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Brenda Courtney, Regulatory Review Branch, Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone (202) 755-8714.

SUPPLEMENTARY INFORMATION:**Background**

As a result of the Airworthiness Review Program held in 1974, the FAA in Notice 75-25 (40 FR 24864; June 9, 1975) proposed a number of changes to the takeoff and accelerate-stop requirements of 14 CFR Part 25. The

amendments to 14 CFR Part 25 resulting from these proposals were contained in Amendment 25-42 (43 FR 2386; January 16, 1978) and became effective March 1, 1978. The amendment required that accelerate-stop distances be determined by adding a 2-second time delay between the takeoff decision speed (V_1) and the first action to retard the airplane, and introduced the concept of critical engine failure speed, V_{EF} . Also, requirements for determining an all-engine accelerate-stop distance were added. Retroactive application of the takeoff and accelerate-stop requirement adopted in Amendment 25-42 was not considered at that time.

Airworthiness Review Program Amendment No. 8A (45 FR 60154; September 11, 1980) stated the FAA's intent to consider, in accordance with the general rulemaking procedures (14 CFR Part 11 and Executive Order 12291), retroactive application of recent or future regulatory amendments during the type certification process for new airplanes as an alternative to the issuance of Special Conditions, when novel and unusual design features are not involved. By virtue of their dates of application for type certification, several new transport airplanes will not be required to comply with the provisions of Amendment 25-42. Also, there are no novel and unusual design features involved. The FAA has conducted preliminary investigations into retroactive application of Amendment 25-42 to all turbojet transport category airplanes and considers that a conference should be held to fully explore the impact of these rules. The matters to be considered include the benefits to be obtained, the burdens imposed, and alternatives to retroactive application.

Another takeoff and accelerate-stop distance issue of major significance is that of wet runway accountability. The FAA has received and considered a number of proposals on this issue. One proposal, submitted by the Aerospace Industries Association, would retain the scheduled takeoff field length as currently obtained for dry conditions, but would reduce V_1 for wet runway operations to the extent permitted by lowering the height above the runway (screen height) at the end of the continued takeoff distance from 35 to 15 feet. Another proposal would base the accelerate-stop distance on a stopping distance twice that obtained for dry conditions, with all other specifications the same as those in current Part 25 unless determination were made for wet conditions by actual wet-runway testing. Before further action is taken, the

benefits and costs of the various alternatives must be fully examined during the conference.

In the Decision basis for type certification of the McDonnell Douglas Model DC-9-10 airplane, the FAA indicated that it would investigate a general operational rule change that would restrict operation with inoperative anti-skid systems to non-revenue ferry flights to repair facilities. At the conference, the benefits, costs, and alternatives means of implementing this proposal will be considered.

The FAA has received a petition for rulemaking action from the Air Line Pilots Association to amend § 121.189 of the Federal Aviation regulations. This petition came as a direct result of a letter from the Department of Transport in Australia to the International Civil Aviation Organization (ICAO) proposing that line-up measurement be taken into account in determining the maximum permissible takeoff weight for the runway length available. The Australian proposal recommended that Part 1 of ICAO Annex 6 be amended to require accountability for line-up distance as a standard. To properly evaluate the proposal, additional detailed information is needed on the benefits, costs, and alternative approaches to this question.

The ICAO Airworthiness Committee will hold its 14th meeting in Montreal, Canada, during October 26 through November 10, 1981. There are a number of items on the agenda for this meeting which are related to the Transport Airplane Takeoff Performance Requirements. It was considered appropriate to include these items for discussion in the conference. These include—

1. Takeoff performance criteria for automatic takeoff thrust control systems.
2. Takeoff flightpath criteria.
 - a. Temperature inversion accountability.
 - b. Establishment of an all-engine net takeoff flightpath.
 - c. Establishment of a minimum takeoff obstacle clearance plane for net takeoff flightpath with reduced thrust.
3. Accountability for takeoff alignment, tire failure, surface winds, coefficient of runway/airplane friction, etc.

The FAA wishes to obtain the participation of all interested persons in resolving the issues that may be involved. To obtain this participation, the most effective procedure is to hold a technical review to obtain information on regulatory and non-regulatory (operational, advisory, etc.) alternatives.

benefits, and costs. The review will consider both alternatives. This conference is tentatively scheduled for one week, to take place November 16-20, at the Seattle Hilton in Seattle, Washington. A schedule will be announced in the *Federal Register* as soon as arrangements are complete.

Improving Government Regulations

To implement good policy on improving government regulations, agencies should consider alternative ways to deal with a problem and should analyze the economic consequences of each alternative. Thus, comments introduced prior to or during the conference should be supported by complete economic data expressing the costs and benefits where applicable.

Questions for Discussion

I. Should Amendment 25-42 be made retroactive?

Analysis of the impact of retroactive application of Amendment 25-42 to transport category airplanes indicates a lack of information on the operational frequency of full-thrust, accelerate-stop, field length limited takeoffs at particular airports. Knowledge concerning the practices related to the limiting or off-loading of cargo, baggage, fuel, and passengers when total weight is limited by performance requirements are also needed. This knowledge would allow full assessment of the impact of changes to airplane takeoff performance requirements.

The FAA desires information of the following nature relating to the economic effects of Amendment 25-42:

1. For each airplane, what is the operational frequency of full-thrust accelerate-stop field length limited takeoffs under the current requirements? What would the frequency be if Amendment 25-42 was retroactively applied?

2. What is the weight penalty that would result from Amendment 25-42 for airplanes operating at airports where takeoff weight is limited by the accelerate-stop distance?

3. What would be the expected annual revenue loss if Amendment 25-42 accelerate-stop runway length limitations were applied retroactively?

4. What would be the benefits of retroactive application of Amendment 25-42 (such as lives saved, damage reduction, etc.)?

5. Amendment 25-42, in part, revised the requirements relating to time delays in the transition segment. The transition segment is defined as the period of transition from acceleration to deceleration of the airplane during an accelerate-stop maneuver. FAA review

of past calculation methods for this segment indicates a need for greater uniformity in this area. The FAA, therefore, solicits comments and in-service accelerate-stop transition segment data to develop requirements and procedures which might provide such uniformity. Comments on the relationship between accelerate-stop transition segment time delays and ground minimum control speeds, and the impact of automatic devices such as autobrakes, are also invited.

II. What runway contaminants should be accounted for operationally? How can contaminated runway accountability be accomplished, and what are the operational and economic problems and benefits associated with a different V_1 for contaminated and uncontaminated conditions?

The present Federal Aviation Regulation accelerate-stop requirements are based on stopping on a dry, hard-surface runway. The FAA solicits comments on methods of accounting for contaminated runways and other factors. Specific comments are requested on the following:

1. For the rejected takeoff, accelerate-stop distance determination, can wet runway stopping distance accountability be based on an empirical relationship between wet and dry stopping distances? What wet-to-dry factor can be shown to provide an acceptable level of safety? Should grooved runways be assigned a different wet-to-dry factor? How is a wet runway defined?

2. Should credit for reverse thrust be permitted in accelerate-stop distance determinations if accountability for a wet runway condition is required? Should credit for reverse thrust be permitted for both contaminated and uncontaminated conditions? What limits, if any, should be placed on the credit permitted for reverse thrust? Are actual wet runway tests necessary to determine the relationship between stopping forces provided by brakes and by reverse thrust?

3. Should a greater proportion of the accelerate-stop distance be provided for stopping by permitting the height above the runway (screen height) at the end of the takeoff distance to be reduced, and thereby reducing the takeoff decision speed (V_1)? Should the use of unbalanced field length data be mandatory on wet runways? What reduction, if any, in the safety margin provided by the 35-foot screen height can be justified? If the screen height for takeoff distance determination is reduced, are additional considerations, such as revised obstacle clearance

requirements, alignment distance considerations, constraints on demonstrated takeoff rotation rates and angles, and others required?

4. Will V_1 continue to be honored as a decision speed if V_1 is reduced on wet runways and a large speed increment between V_1 and rotation speed (V_R) is introduced? What operational problems are associated with a different V_1 for wet and dry conditions?

5. Should brake wear be considered in the development of the maximum permitted accelerate-stop kinetic energy?

III. Should anti-skid systems be required to be operative for all revenue flights on transport category airplanes? What is the cost of this requirement?

IV. Should accountability be required for tire failure, runway line-up distance, temperature inversion, and surface winds to establish takeoff distances and takeoff weights? How would the remaining usable runway length be determined to account for line-up distance and how would this information and the adjusted maximum takeoff weight be determined and furnished to the pilot in command. Also, what would be the cost impact of accounting for these variables, and what alternative means are available?

V. Should the establishment of an all-engine net takeoff flightpath be required? What would be the cost impact, and what are the alternatives?

VI. Is there a need to require a minimum takeoff obstacle clearance plane for the one-engine-inoperative takeoff with reduced thrust?

Requests To Be Heard

Persons planning to present data and comments at the review are requested to provide the FAA an abstract of their presentation by September 28, 1981. The abstract should include an estimate of the time needed to make the presentation, and should be mailed to the person identified as contact for further information. Following each presentation, a discussion period will be allowed and all persons will be given the opportunity to open discussions on the presentation.

Following receipt of the abstracts, the FAA will prepare and publish a detailed agenda, 30 days prior to the review.

Technical Review Procedures

Persons who plan to attend the review should be aware of the following procedures which are established to facilitate the workings of the review:

1. Sessions will be open on a space available basis to all persons who register. If necessary to complete the agenda, sessions may be extended to evenings or additional days. If practicable, the review may be accelerated to enable adjournment in less than the time scheduled.

2. A committee of FAA personnel will be established to discuss the above questions and comments introduced.

3. All sessions will be recorded by a court reporter. Anyone interested in purchasing the transcript should contact the court reporter directly. A copy of the court reporter's transcript will be docketed. In addition, the sessions may be tape recorded.

4. The FAA will consider all material presented at the conference by participants. Position papers or other handout material may be accepted at the discretion of the chairperson. However, enough copies should be provided for distribution to all conference participants.

5. Statements made by FAA participants at the conference will be made to facilitate discussion and thus should not be taken as expressing a final FAA position.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 22, 1981.

Walter S. Luffsey,

Associate Administrator for Aviation Standards.

[FR Doc. 81-22551 Filed 7-31-81; 8:45 am]

BILLING CODE 4910-13-M

Reader Aids

Federal Register

Vol. 46, No. 148

Monday, August 3, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit 202-523-3419

523-3517

General information, index, and finding aids 523-5227

Incorporation by reference 523-4534

Printing schedules and pricing information 523-3419

Federal Register

Corrections 523-5237

Daily Issue Unit 523-5237

General information, index, and finding aids 523-5227

Public Inspection Desk 633-6930

Scheduling of documents 523-3187

Laws

Indexes 523-5282

Law numbers and dates 523-5282

523-5266

Slip law orders (GPO) 275-3030

Presidential Documents

Executive orders and proclamations 523-5233

Public Papers of the President 523-5235

Weekly Compilation of Presidential Documents 523-5235

Privacy Act Compilation 523-3517

United States Government Manual 523-5230

SERVICES

Agency services 523-3408

Automation 523-3408

Dial-a-Reg

Chicago, Ill. 312-663-0884

Los Angeles, Calif. 213-688-6694

Washington, D.C. 202-523-5022

Magnetic tapes of FR issues and CFR 275-2867

volumes (GPO)

Public briefings: "The Federal Register—

What It Is and How To Use It" 523-5235

Public Inspection Desk 633-6930

Regulations Writing Seminar 523-5240

Special Projects 523-4534

Subscription orders (GPO) 783-3238

Subscription problems (GPO) 275-3054

TTY for the deaf 523-5239

CFR PARTS AFFECTED DURING AUGUST

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

FEDERAL REGISTER PAGES AND DATES, AUGUST

39431-39560.....3

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the

Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—AUGUST 1981

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day. When

a date falls on a weekend or a holiday, the next Federal business day is used (see 1 CFR 18.17).

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
August 3	August 18	September 2	September 17	October 2	November 2
August 4	August 19	September 3	September 18	October 5	November 2
August 5	August 20	September 4	September 21	October 5	November 3
August 6	August 21	September 8	September 21	October 5	November 4
August 7	August 24	September 8	September 21	October 6	November 5
August 10	August 25	September 9	September 24	October 9	November 9
August 11	August 26	September 10	September 25	October 13	November 9
August 12	August 27	September 11	September 28	October 13	November 10
August 13	August 28	September 14	September 28	October 13	November 12
August 14	August 31	September 14	September 28	October 13	November 12
August 17	September 1	September 16	October 1	October 16	November 16
August 18	September 2	September 17	October 2	October 19	November 16
August 19	September 3	September 18	October 5	October 19	November 17
August 20	September 4	September 21	October 5	October 19	November 18
August 21	September 8	September 21	October 5	October 20	November 19
August 24	September 8	September 23	October 8	October 23	November 23
August 25	September 9	September 24	October 9	October 26	November 23
August 26	September 10	September 25	October 13	October 26	November 24
August 27	September 11	September 28	October 13	October 26	November 25
August 28	September 14	September 28	October 13	October 27	November 27
August 31	September 15	September 30	October 15	October 30	November 30

CFR CHECKLIST; 1980/81 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1980/81. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is \$525 domestic, \$131.25 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1981):

Title	Price
1-2.....	\$4.50
3.....	6.50
4.....	6.50
5.....	9.00
6.....	3.50
7 Parts:	
0-52.....	7.50
53-209.....	6.50
210-299.....	7.00
300-399.....	6.00
400-699.....	6.50
900-944.....	7.00
945-980.....	5.50
981-999.....	5.50
1000-1059.....	6.50
1060-1119.....	6.50
1120-1199.....	6.00
1500-1899.....	6.00
2800-2851.....	7.00
2853-end.....	6.00
8.....	5.50
9 Parts:	
1-199.....	7.50
200-end.....	6.50
10 Parts:	
0-199.....	7.50
200-399.....	7.50
400-499.....	7.00
500-end.....	7.50
11.....	5.50
12 Parts:	
1-199.....	6.00
200-299.....	8.00
300-499.....	6.00
500-end.....	8.00
13.....	7.00
14 Parts:	
1-59.....	7.50
200-1199.....	7.50
1200-end.....	6.00
15 Parts:	
0-299.....	5.50
300-end.....	8.50
16 Parts:	
0-149.....	6.50
150-999.....	6.50
CFR Index.....	8.50

CFR Unit (Rev. as of Apr. 1, 1981):

18 Parts:	
1-149.....	7.00
20 Parts:	
400-499.....	7.50
21 Parts:	
100-169.....	6.50
200-299.....	4.75
500-599.....	7.50
800-1299.....	6.00
1300-end.....	4.75
24 Parts:	
0-199.....	6.00
500-799.....	5.50
800-1699.....	7.00
27 Parts:	
1-199.....	7.50
200-end.....	7.00
CFR Unit (Rev. as of July 1, 1980):	
28.....	7.00
29 Parts:	
0-499.....	9.00
5000-1899.....	11.00
1900-1910.....	9.00
1911-1919.....	5.50
1920-end.....	8.00
30 Parts:	
0-199.....	7.50
200-end.....	8.00
31 Parts:	
0-199.....	6.00
200-end.....	7.50
32 Parts:	
1-39 (Supplement).....	6.00
40-399.....	10.00
400-699.....	8.50
700-799.....	8.00
800-999.....	8.00
1000-end.....	6.50
33 Parts:	
1-199.....	9.50
200-end.....	8.50
34.....	6.00
35 (Rev. 12/31/80).....	6.00
36.....	7.50
37.....	6.00
38.....	11.00
39.....	6.00
40 Parts:	
0-51.....	7.50

52.....	9.00	200-499.....	5.50
53-80.....	7.50	500-1199.....	7.50
81-99.....	8.50	1200-end.....	7.50
100-399.....	13.00	46 Parts:	
400-424.....	7.50	1-29.....	5.00
425-end.....	7.50	30-40.....	4.75
41 Chapters:		41-69.....	6.50
1-2.....	11.00	70-89.....	5.50
3-6.....	8.00	90-109.....	5.50
7.....	4.25	140-155.....	6.00
8.....	4.50	156-165.....	6.50
9 (Supplement).....	3.00	166-199.....	6.00
10-17.....	7.50	400-end.....	6.00
18 (Vol. I).....	7.50	47 Parts:	
18 (Vol. II).....	9.00	0-19.....	6.50
18 (Vol. III).....	7.50	20-69.....	8.50
19-100.....	7.50	70-79.....	7.50
101.....	8.50	49 Parts:	
102-end.....	7.00	1-99.....	5.50
CFR Unit (Rev. as of Oct. 1, 1980):		100-177 (Rev. 12/1/80).....	8.00
42 Parts:		178-199 (Rev. 12/1/80).....	7.50
1-399.....	9.50	200-399.....	7.00
400-end.....	8.50	400-999.....	7.50
43 Parts:		1000-1199.....	7.50
1-199.....	6.50	1200-1299.....	9.00
1000-end.....	11.00	1300-end.....	6.50
44.....	7.00	50 Parts:	
45 Parts:		1-199.....	6.00
1-99.....	6.50	200-end.....	7.50
100-149.....	7.50		
150-199.....	7.50		

MICROFICHE EDITION OF THE CFR:

The CFR is now available on microfiche from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at the following prices:

1980

Complete set (one-time mailing):
\$150.00 (domestic).
Individual copies—\$2.00 each (domestic).

1981

Subscription (mailed as issued):
\$250.00 (domestic).
Individual copies—\$2.00 each (domestic).

AGENCY ABBREVIATIONS

Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department

AMS Agricultural Marketing Service
APHIS Animal and Plant Health Inspection Service
ASCS Agricultural Stabilization and Conservation Service
CCC Commodity Credit Corporation
CSRS Cooperative State Research Service
EOA Energy Office, Agriculture Department
EQOA Environmental Quality Office, Agriculture Department
ERS Economic Research Service
FmHA Farmers Home Administration
FAS Foreign Agricultural Service
FCIC Federal Crop Insurance Corporation
FGIS Federal Grain Inspection Service
FNS Food and Nutrition Service
FS Forest Service
FSIS Food Safety and Inspection Service
IGO Inspector General Office
PSA Packers and Stockyards Administration
REA Rural Electrification Administration
SCS Soil Conservation Service
SEA Science and Education Administration
SRS Statistical Reporting Service
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department

BEA Bureau of Economic Analysis
BIE Bureau of Industrial Economics
Census Census Bureau
EDA Economic Development Administration
FSPSO Federal Statistical Policy and Standards Office
FTZB Foreign-Trade Zones Board
ITA International Trade Administration
MA Maritime Administration
MBDA Minority Business Development Agency
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USTS United States Travel Service

DOD Defense Department

AF Air Force Department
Army Army Department
DCAA Defense Contract Audit Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

ED Education Department

NCH National Council for the Handicapped

DOE Energy Department

APA Alaska Power Administration
BPA Bonneville Power Administration
CRE Conservation and Renewable Energy, Office of Assistant Secretary
EIA Energy Information Administration
ERA Economic Regulatory Administration

ERO Energy Research Office

ETO Energy Technology Office

FERC Federal Energy Regulatory Commission

OHA Hearings and Appeals Office, Energy Department

SEPA Southeastern Power Administration

SWPA Southwestern Power Administration

WAPA Western Area Power Administration

HHS Health and Human Services Department

ADAMHA Alcohol, Drug Abuse, and Mental Health Administration

CDC Centers for Disease Control

FDA Food and Drug Administration

HCFA Health Care Financing Administration

HDSO Human Development Services Office

HRA Health Resources Administration

HSA Health Services Administration

NIH National Institutes of Health

NIOSH National Institute for Occupational Safety and Health

PHS Public Health Service

RRO Refugee Resettlement Office

SSA Social Security Administration

HUD Housing and Urban Development Department

CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary

CPD Community Planning and Development, Office of Assistant Secretary

EQO Environmental Quality Office, Housing and Urban Development Department

FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing

FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary

GNMA Government National Mortgage Association

ILSRO Interstate Land Sales Registration Office

NCA New Communities Administration

NCDC New Community Development Corporation

NYACP Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary

SEECB Solar Energy and Energy Conservation Bank

INTERIOR Interior Department

BIA Bureau of Indian Affairs

BLM Bureau of Land Management

FWS Fish and Wildlife Service

GS Geological Survey

Mines Mines Bureau

NPS National Park Service

OHA Office of Hearings and Appeals, Interior Department

RB Reclamation Bureau

SMREO Surface Mining Reclamation and Enforcement Office

JUSTICE Justice Department

Antitrust Division

BJS Bureau of Justice Statistics

DEA Drug Enforcement Administration

FCSC Foreign Claims Settlement Commission

INS Immigration and Naturalization Service

JJDPO Juvenile Justice and Delinquency Prevention Office

LEAA Law Enforcement Assistance Administration

NIC National Institute of Corrections

NIJ National Institute of Justice

OJARS Justice Assistance, Research and Statistics Office

PARCOM Parole Commission

PB Prisons Bureau

LABOR Labor Department

BLS Bureau of Labor Statistics

ESA Employment Standards Administration

ETA Employment and Training Administration

FCCPO Federal Contract Compliance Programs Office
LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration
OSHA Occupational Safety and Health Administration
P&WBP Pension and Welfare Benefit Programs Office
W&H Wage and Hour Division

STATE State Department

FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard
FAA Federal Aviation Administration
FHWA Federal Highway Administration
FRA Federal Railroad Administration
NHTSA National Highway Traffic Safety Administration
RSPA Research and Special Programs Administration
SLSDC Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
FACO Foreign Assets Control Office
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies

ACHP Historic Preservation, Advisory Council
ANGTS Alaska Natural Gas Transportation System, Office of Federal Inspector
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
DIDC Depository Institutions Deregulation Committee
EEOC Equal Employment Opportunity Commission
EPA Environmental Protection Agency
ESC Endangered Species Committee
EXIMBANK Export-Import Bank of the U.S.
FCA Farm Credit Administration
FCC Federal Communications Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FEMA/USFA United States Fire Administration
FFIEC Federal Financial Institutions Examination Council
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FLRA Federal Labor Relations Authority
FMC Federal Maritime Commission
FRAC Federal Register Administrative Committee
FRS Federal Reserve System
FSIDP Foreign Service Impasse Disputes Panel
FSLRB Foreign Service Labor Relations Board
FTC Federal Trade Commission
GAO General Accounting Office
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPRS Federal Property Resources Service

GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Service
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
GSA/TPUS Transportation and Public Utilities Service
ICA International Communication Agency
ICC Interstate Commerce Commission
IDCA International Development Cooperation Agency
IDCA/AID Agency for International Development
ITC International Trade Commission
IRLG Interagency Regulatory Liaison Group
LSC Legal Services Corporation
MB Metric Board
MSPB Merit Systems Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCCB National Consumer Cooperative Bank
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PRC Postal Rate Commission
PS Postal Service
ROAP Reorganization Office of Assistant to President
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities and Exchange Commission
SFC Synthetic Fuels Corporation
SSS Selective Service System
Trade Representative Trade Representative, Office of United States
TVA Tennessee Valley Authority
VA Veterans Administration
WRC Water Resources Council

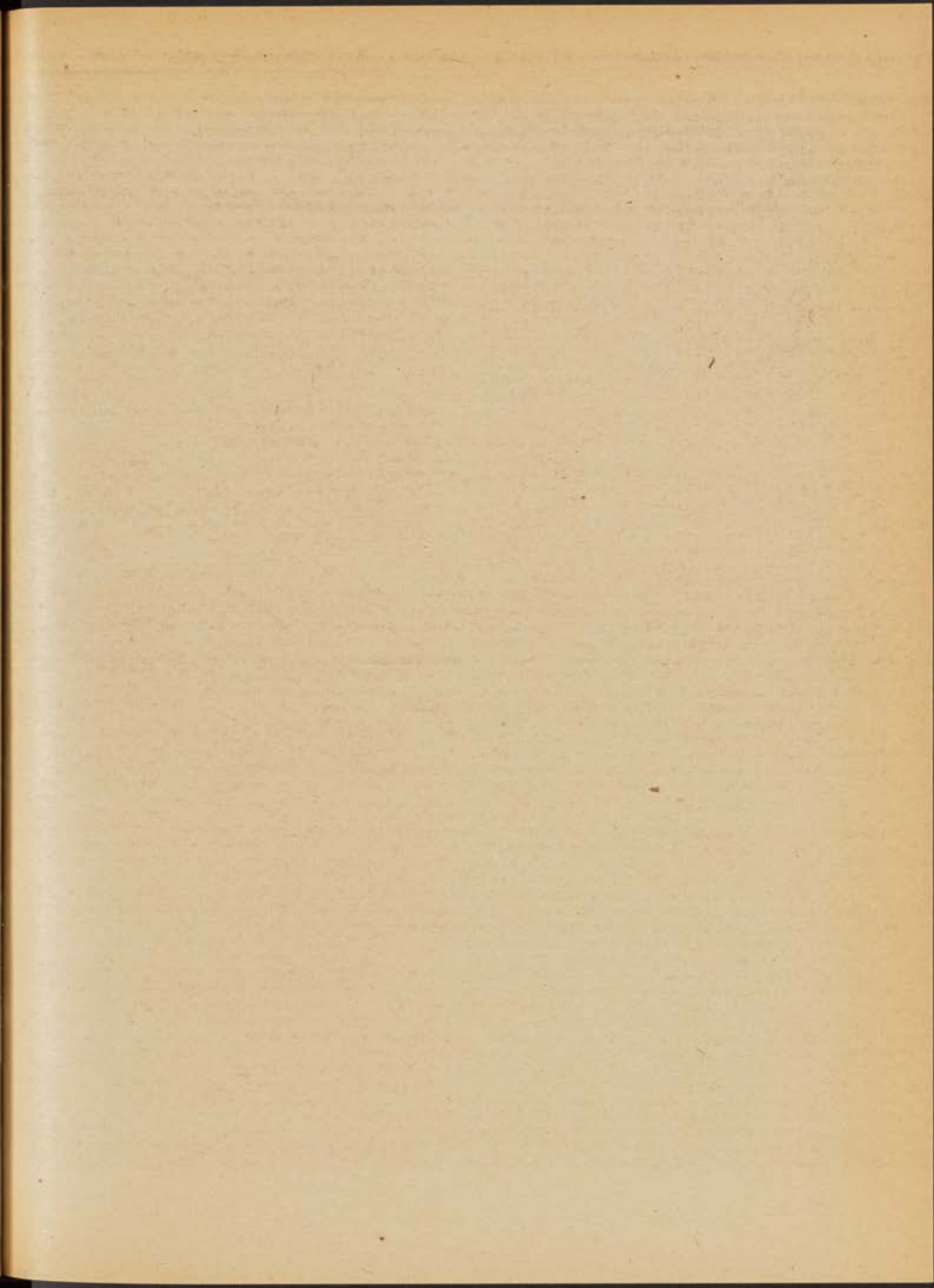
REMINDERS

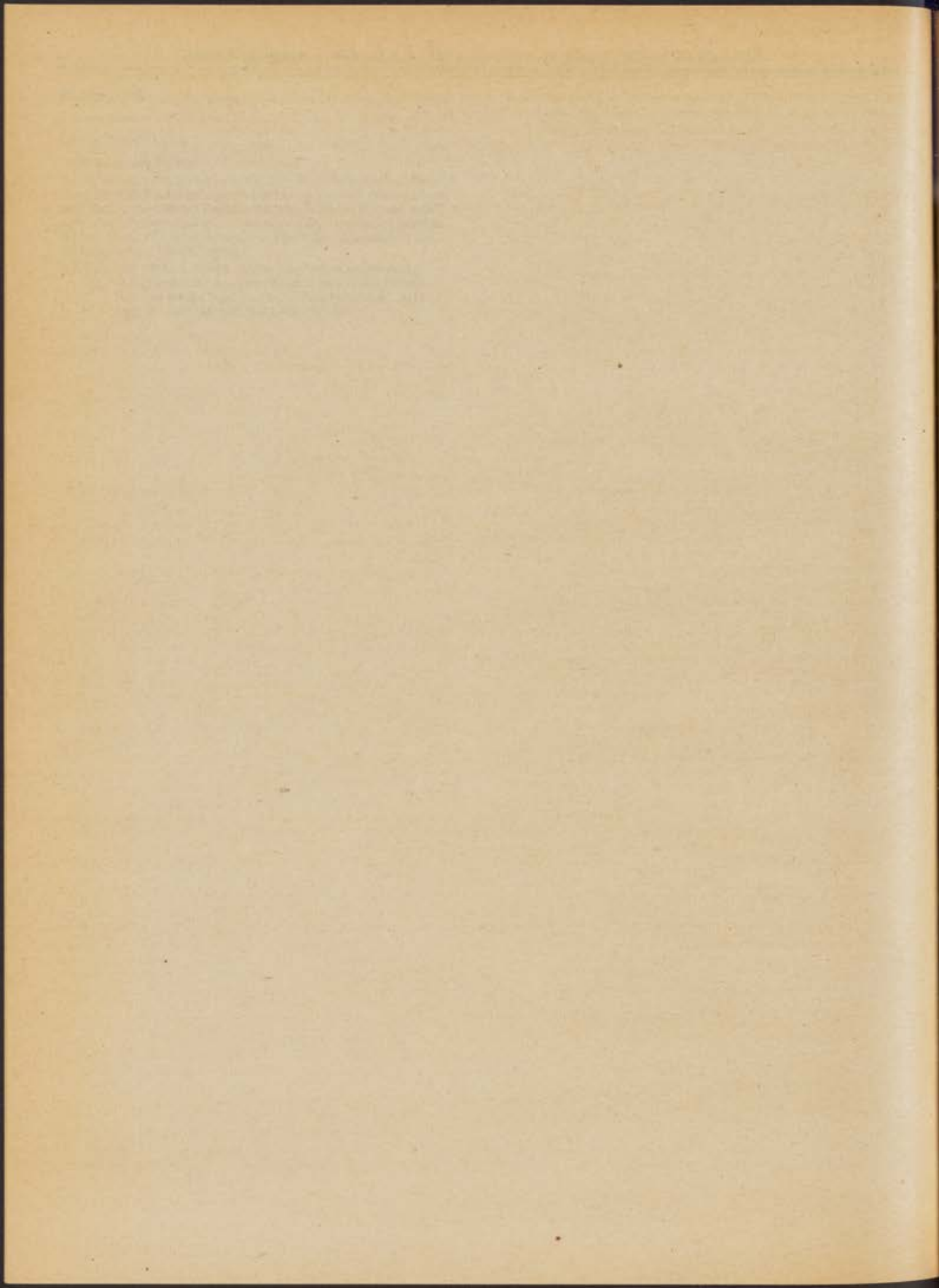
List of Public Laws

Last Listing July 29, 1981

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the *Federal Register* but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.J. Res. 308 / Pub. L. 97-26 Making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1981. (July 29, 1981; 95 Stat. 146) Price: \$1.50.



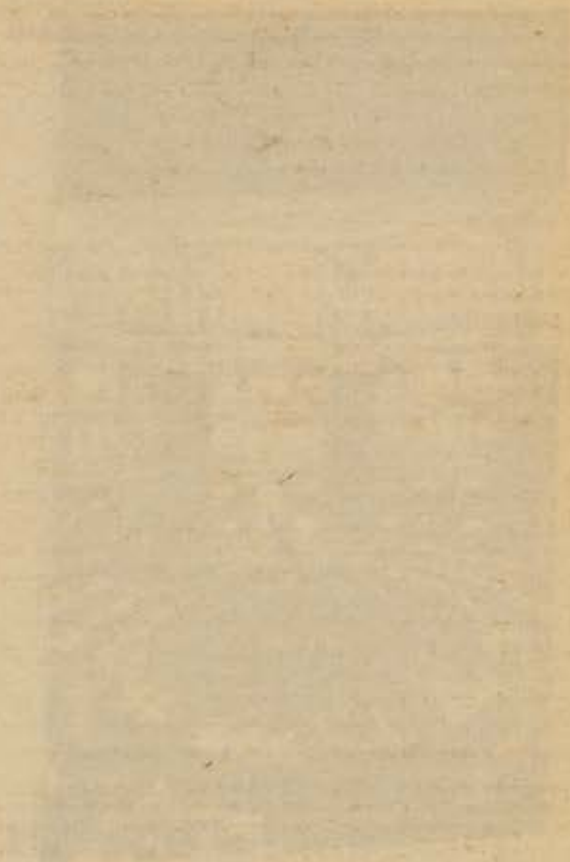


Library of Federal Regional Structure

Volume 1: The Federal Government

The Federal Government is the central authority of the United States. It is composed of three branches: the Executive, the Legislative, and the Judicial. The Executive branch is headed by the President, who is elected by the people. The Legislative branch is composed of the House of Representatives and the Senate. The Judicial branch is headed by the Supreme Court. The Federal Government is responsible for the defense of the country, the regulation of interstate commerce, and the protection of the rights of citizens.

The Federal Government is also responsible for the regulation of the economy, the protection of the environment, and the provision of social services. It is the largest and most powerful of the three levels of government in the United States. The Federal Government is responsible for the defense of the country, the regulation of interstate commerce, and the protection of the rights of citizens.



The Federal Government is also responsible for the regulation of the economy, the protection of the environment, and the provision of social services. It is the largest and most powerful of the three levels of government in the United States. The Federal Government is responsible for the defense of the country, the regulation of interstate commerce, and the protection of the rights of citizens.

The Federal Government is also responsible for the regulation of the economy, the protection of the environment, and the provision of social services. It is the largest and most powerful of the three levels of government in the United States. The Federal Government is responsible for the defense of the country, the regulation of interstate commerce, and the protection of the rights of citizens.

The Federal Government is also responsible for the regulation of the economy, the protection of the environment, and the provision of social services. It is the largest and most powerful of the three levels of government in the United States. The Federal Government is responsible for the defense of the country, the regulation of interstate commerce, and the protection of the rights of citizens.

The Federal Government is also responsible for the regulation of the economy, the protection of the environment, and the provision of social services. It is the largest and most powerful of the three levels of government in the United States. The Federal Government is responsible for the defense of the country, the regulation of interstate commerce, and the protection of the rights of citizens.

ORDER NOW!

Directory of Federal Regional Structure

Revised as of May 1, 1981

The Directory serves as a guide to the regional administrative structure of the departments and agencies of the Federal Government.

Designed to provide the public with practical information about regional offices, the Directory is particularly useful to citizens residing outside the Nation's Capital.

Included in the Directory is a map showing the 10 Standard Federal Regions followed by tables listing the key personnel, addresses, and telephone numbers for agencies with offices in those regions. In addition, maps and tables are provided for those agencies with regional structures other than that of the standard regional system.

Compiled by Office of the Federal Register,
National Archives and Records Service,
General Services Administration.

Order from Superintendent of Documents,
U.S. Government Printing Office,
Washington, D.C. 20402

Price: \$5.00

ORDER FORM

Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is \$ _____ ☐ check,
☐ money order, or charge to my
Deposit Account No. _____

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Order No. _____

Please send me _____ copies of the **Directory of Federal Regional Structure**, at
\$5.00 per copy. Stock No. 022-003-01077-7

Name—First, Last

Street address

Company name or additional address

City

State

ZIP Code

(or Country)

PLEASE PRINT OR TYPE

**VISA and
MasterCard
Accepted**

Credit Card Orders Only

Total charges \$ _____ Fill in the boxes below.

Credit
Card No.

Expiration Date
Month/Year

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		